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LEGISLATIVE ASSEMBLY OF ONTARIO

SECOND SESSION OF THE
TWENTY-FIFTH PARLIAMENT

BILLS

AS INTRODUCED IN THE HOUSE

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REPRINTS AND THIRD READINGS

SESSION

JANUARY 31st to MARCH 28th, 1956

INDEX

SECOND SESSION, TWENTY-FIFTH PARLIAMENT
January 31st to March 28th, 1956

A	Bill No.
Aged Act, 1955, Homes for the—Act to amend.....	102
Agricultural Societies Act—Act to amend.....	100
Alberta, Act to facilitate the Introduction into Ontario of Natural Gas from, by means of an All-Canada Pipe Line.....	91
Arbitrations Act, Municipal—Act to amend.....	51
Archaeological and Historic Sites Protection Act, 1953—Act to amend.....	79
Assessment Act—Act to amend.....	88
Assumption College—Act respecting.....	38
 B	
Beach Protection Act—Act to amend (Not reported by Committee on Mining)	57
Beechwood Cemetery Company of the City of Ottawa—Act respecting....	27
Brampton, Town of—Act respecting (not reported by Committee on Private Bills).....	32
Brucellosis Act, 1956.....	101
Burlington Beach, Act to annex, to the City of Hamilton.....	129
 C	
Canadian National Exhibition Association—Act respecting.....	25
Canadian Pacific Railway Company—Act respecting.....	10
Charitable Institutions Act, 1956.....	103
Chartered Accountants of Ontario, Institute of—Act to reconstitute.....	118
Chatham Board of Education and the Chatham Suburban High School District—Act respecting.....	11
Chatham, City of—Act respecting.....	1
Chelmsford, Town of—Act respecting.....	33
—Act respecting (No. 2).....	34
Child Welfare Act, 1954—Act to amend.....	131
—Act to amend.....	134
Commercial Vehicles Act, Public—Act to amend.....	139
Conservation Authorities Act—Act to amend.....	58
Consolidated Revenue Fund, Act to authorize the Raising of Money on the Credit of.....	143
Consumptives Act, Sanatoria for—Act to amend.....	96
Conveyances Act, Fraudulent—Act to amend.....	68
Conveyancing and Law of Property Act—Act to amend.....	66
Co-operative Loans Act, 1956.....	85
County Court Judges' Criminal Courts Act—Act to amend.....	41
Credit Unions Act, 1953—Act to amend.....	42
Crown Timber Act, 1952—Act to amend.....	72
Crown Witnesses Act—Act to amend.....	43

D

Bill No.

Department of Economics—Act to establish.....	115
Department of Education Act, 1954—Act to amend.....	47
Drainage Act, 1954, Provincial Aid to—Act to amend.....	54
Drainage Act, Tile—Act to amend.....	125

E

Economics, Department of—Act to establish.....	115
Education Act, 1954, Department of—Act to amend.....	47
Entry of Horses at Exhibitions Act—Act to repeal.....	40
Estates Act, Settled—Act to amend.....	71
Estates Tail Act—Act to repeal.....	67
Etobicoke, Township of—Act respecting.....	4

F

Farm Products Marketing Act—Act to amend (motion for 2nd Reading defeated).....	77
—Act to amend.....	83
—Act to amend (motion for 2nd Reading defeated).....	123
Female Employees Fair Remuneration Act, 1951—Act to amend (motion for 2nd Reading defeated).....	53
Financial Administration Act, 1954—Act to amend.....	116
Fines and Forfeitures Act—Act to amend.....	132
Fire Charge Act, Railway—Act to amend.....	60
Fire Departments Act—Act to amend.....	99
Fire Marshals Act—Act to amend.....	62
—Act to amend.....	136
Fisheries Act, Game and—Act to amend.....	109
Food Terminal Act, Ontario—Act to amend.....	82
Forest Fires Prevention Act—Act to amend (not reported by Committee on Lands and Forests).....	52
Fort Erie, Town of—Act respecting.....	18
Fraudulent Conveyances Act—Act to amend.....	68
Fuel Board Act, 1954, Ontario—Act to amend.....	124
Fuel, Other than Gasoline, for Use in Motor Vehicles—Act to impose a Tax on the Purchasers of.....	126

G

Gairdner Charitable Foundation—Act to incorporate (Withdrawn).....	29
Game and Fisheries Act—Act to amend.....	109
Gasoline—Act to impose a Tax on Purchasers of Fuel, Other than, for Use in Motor Vehicles.....	126
Gasoline Tax Act—Act to amend.....	127

H

Hamilton, City of—Act respecting The Board of Education for.....	19
—Act respecting.....	36
—Act to annex Burlington Beach to.....	129

Highway Improvement Act—Act to amend	73
—Act to amend	140
Highway Traffic Act—Act to amend	120
Highway Transport Board Act, 1955, Ontario—Act to amend	50
Historic Sites Protection Act, 1953, Archaeological and—Act to amend	79
Homes for the Aged Act, 1955—Act to amend	102
Horses at Exhibitions Act, Entry of—Act to repeal	40
Hospital Services Commission of Ontario—Act to establish	112

I

Insurance Act—Act to amend	46
Interior Decorators of Ontario, Society of—Act respecting	24

J

Junior Farmer Establishment Act, 1952—Act to amend	84
Jurors Act—Act to amend	44

L

Labour Relations Act—Act to amend (Motion for 2nd Reading defeated)	78
—Act to amend	110
Lakehead College of Arts, Science and Technology—Act to establish	56
Land Surveyors Act—Act to amend	80
Land Tax Act, Provincial—Act to amend	117
Land Titles Act—Act to amend	65
Law of Property Act, Conveyancing and—Act to amend	66
Leaside, Town of—Act respecting	3
Legislative Assembly Act—Act to amend	141
Limitations Act—Act to amend	69
Limited Partnerships Act—Act to amend	61
Line Fences Act—Act to amend	128
Liquor Licence Act—Act to amend	137
Loan Act, 1956, Ontario	143
London, City of—Act respecting	14
Lutheran Church in America, The Canada Board of American Missions of The United—Act respecting	6

M

Magistrates' Jurisdiction Act—Act to repeal	45
Maintenance Orders Act, Reciprocal Enforcement of—Act to amend	63
Marriage Act—Act to amend	76
Medical Act—Act to amend	119
Metropolitan Toronto Foundation—Act to incorporate	37
(See also Municipality of Metropolitan Toronto below)	
Mining Act—Act to amend	89
—Act to amend	90
—Act to amend	114
Mothers' Allowances Act, 1952—Act to amend	74
Motor Vehicles Fuel Tax Act, 1956	126

Municipal Act—Act to amend.....	130
Municipal Arbitrations Act—Act to amend.....	51
Municipal Board Act, Ontario—Act to amend.....	121
Municipal Subsidies Adjustment Act, 1953—Act to amend.....	107
Municipality of Metropolitan Toronto Act, 1953—Act to amend.....	108

N

Natural Gas from Alberta by means of an All-Canada Pipe Line—Act to facilitate the Introduction into Ontario of.....	91
Niagara Development Act, 1951—Act to amend.....	105
Niagara Falls, City of—Act respecting.....	13
North York, Township of—Act respecting.....	5

O

Ontario Food Terminal Act—Act to amend.....	82
Ontario Fuel Board Act, 1954—Act to amend.....	124
Ontario Highway Transport Board Act, 1955—Act to amend.....	50
Ontario Loan Act, 1956.....	143
Ontario Municipal Board Act—Act to amend.....	121
Ontario Parks Integration Board—Act to establish.....	113
Ontario Water Resources Commission—Act to establish.....	98
Ottawa, City of—Act respecting.....	20
Ottawa Community Chests—Act respecting.....	15

P

Parkland Improvement Foundation—Act to incorporate (Withdrawn).....	28
Parks Integration Board, Ontario—Act to establish.....	113
Pesticides—Act to regulate the Use of.....	95
Peterborough, City of—Act respecting.....	9
Pipe Line, All-Canada—Act to facilitate the Introduction into Ontario of Natural Gas from Alberta by means of an.....	91
Planning Act, 1955—Act to amend.....	138
Police Act—Act to amend.....	133
Port Arthur, City of—Act respecting.....	22
Potatoes Act, Seed—Act to amend.....	81
Power Commission Act—Act to amend.....	104
Presbyterian Church in Canada, Synod of Toronto and Kingston—Act respecting.....	23
Provincial Aid to Drainage Act, 1954—Act to amend.....	54
Provincial Land Tax Act—Act to amend.....	117
Provincial Parks Act, 1954—Act to amend.....	87
Public Commercial Vehicles Act—Act to amend.....	139
Public Health Act—Act to amend.....	135
Public Lands Act—Act to amend.....	86
Public Schools Act—Act to amend.....	55
Public Service Act—Act to amend.....	75

R

Bill No.

Railway Fire Charge Act—Act to amend.....	60
Real Property, An Act respecting—Act to amend.....	70
Reciprocal Enforcement of Maintenance Orders Act—Act to amend.....	63
Regulations Act—Act to amend.....	92
Renfrew, County of—Act respecting.....	39
Richmond Hill, Village of—Act respecting (Withdrawn).....	31

S

St. Catharines, Protestant Home of—Act respecting.....	30
St. Lawrence Development Act, 1952 (No. 2)—Act to amend.....	106
Sanatoria for Consumptives Act—Act to amend.....	96
Sarnia General Hospital—Act respecting.....	2
Schools Act, Public—Act to amend.....	55
Sault Ste. Marie, City of—Act respecting.....	8
Secondary Schools and Boards of Education Act, 1954—Act to amend.....	48
Securities Act—Act to amend.....	94
Seed Potatoes Act—Act to amend.....	81
Separate Schools Act—Act to amend.....	49
Settled Estates Act—Act to amend.....	71
Stamford, Township of—Act respecting.....	21
Statutory Powers Supervision Act, 1956 (not reported by Committee on Legal Bills).....	122
Stratford, City of—Act respecting.....	17
Summary Convictions Act—Act to amend.....	64
Supply Act, 1956.....	144
Surveyors Act, Land—Act to amend.....	80

T

Territorial Division Act—Act to amend.....	59
Tile Drainage Act—Act to amend.....	125
Timber Act, 1952, Crown—Act to amend.....	72
Timmins, Town of—Act respecting.....	12
Toronto, City of—Act respecting.....	26
Toronto Foundation, Metropolitan—Act to incorporate.....	37
Toronto Act, 1953, Municipality of Metropolitan—Act to amend.....	108
Training Schools Act—Act to amend.....	97
Transport Board, 1955, Ontario Highway—Act to amend.....	50
Trustee Act—Act to amend.....	93

U

United Co-operatives of Ontario—Act respecting.....	16
Unwrought Metal Sales Act—Act to repeal.....	142

W

Water Resources Commission, Ontario—Act to establish.....	98
Windsor, City of—Act respecting.....	35
Woodstock, City of—Act respecting.....	7
Workmen's Compensation Act—Act to amend.....	111

No. 1

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act respecting the City of Chatham

MR. PARRY

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 1

1956

BILL

An Act respecting the City of Chatham

WHEREAS The Corporation of the City of Chatham, ^{Preamble} hereinafter called the Corporation, by its petition has represented that under the terms of the original grant from the Crown of the lands known as Victoria Park, in the said City, the use of the lands is restricted, and has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The lands comprised of Victoria Park, more particularly ^{Lands vested in Corporation} described as follows:

Containing by admeasurement 10 acres, more or less, composed of part of the block of land in the City of Chatham bounded by Gaol Street, Prince Street, Murray Street and the northeastern boundary of the said City, which is now occupied by the said Corporation as a Town Park, described as follows by Provincial Land Surveyor Arthur Jones in a description, dated 29th November, 1869, of Record in the Crown Land Department, that is to say: Commencing at the distance of one chain and 13 links from the easterly boundary of the Agricultural ground at the point where the easterly side of First Avenue intersects the southerly limit of Gaol Street; Thence south 26 degrees 30 minutes east parallel to the easterly limit of the said Agricultural ground 11 chains 70 links to the southerly fence of the Town Park; Thence north 70 degrees 15 minutes east parallel to Murray Street and following the said fence 9 chains 95 links to the Town Park fence upon the westerly limit of McGregor Street; Thence north-west parallel to the easterly limit of the City of Chatham and following the said fence 15 chains 90 links to the southerly limit of Gaol Street, and thence westerly along the said southerly side of Gaol Street 5 chains 41 links to the place of beginning,

shall be vested in fee simple in the Corporation.

2. The trust imposed in the original grant of the said ^{Trust annulled} lands from the Crown, whereby the lands were to be held by the Corporation for a Public Park, is hereby annulled.

3. Notwithstanding anything in the said original grant ^{Power to sell, etc.} from the Crown, the Corporation shall have the power to

sell, lease, convey and contract in regard to the said lands, and every part thereof.

Execution
of
documents

4. Every disposition of or contract in regard to the said lands, or any part thereof, shall be under the seal of the Corporation and signed by the Mayor and Clerk thereof for the time being.

Application
of proceeds

5. The proceeds of every disposition by the Corporation of the said lands under this Act shall be held and applied by the Corporation for the general purposes or uses of the Corporation.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The City of Chatham Act, 1956*.

BILL

An Act respecting the
City of Chatham

1st Reading

2nd Reading

3rd Reading

MR. PARRY

(Private Bill)

No. 1

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

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An Act respecting the City of Chatham

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PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

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1956

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**Application
of proceeds**

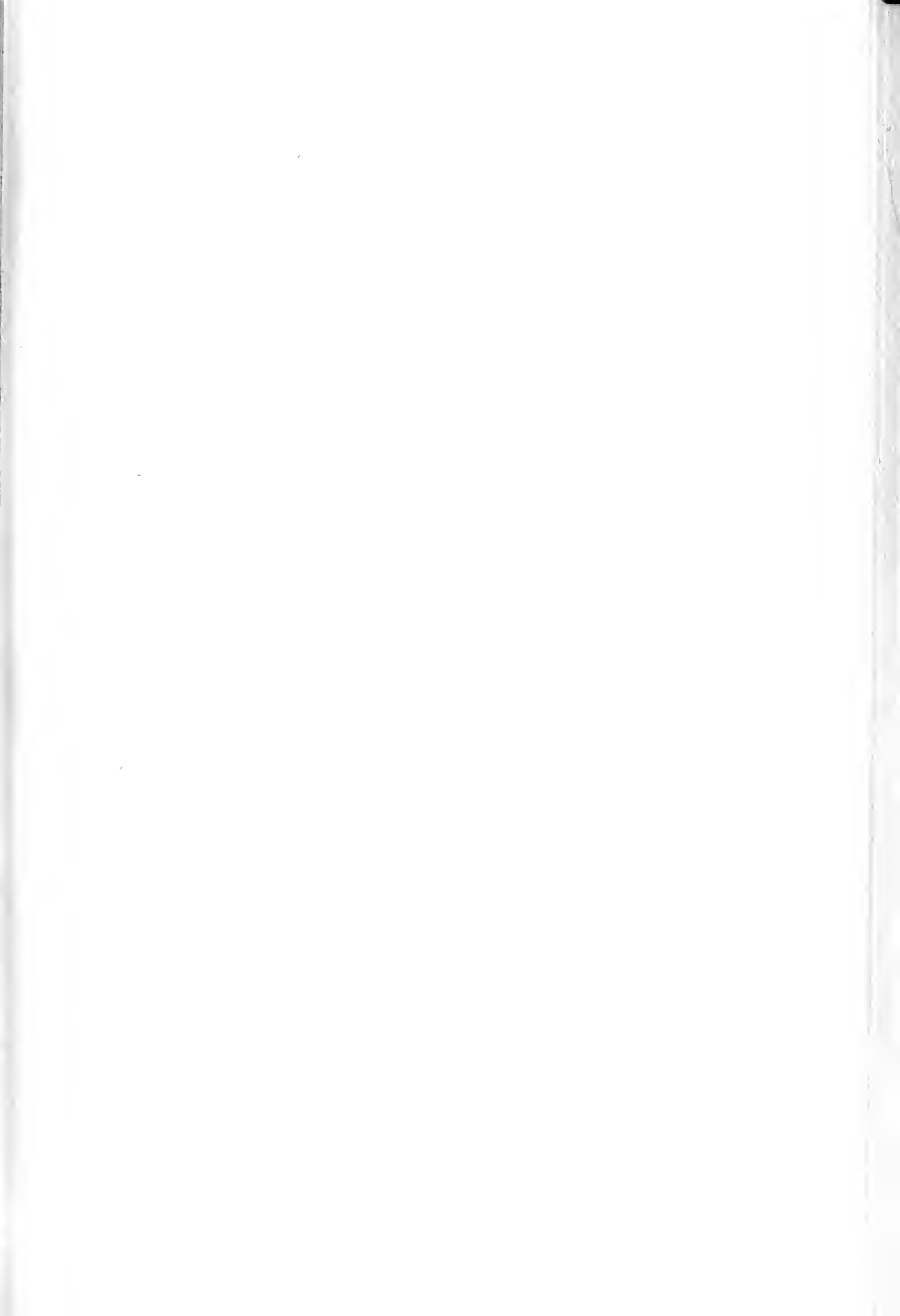
5. The proceeds of every disposition by the Corporation of the said lands under this Act shall be held and applied by the Corporation for the general purposes or uses of the Corporation.

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ment**

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The City of Chatham Act, 1956*.



BILL

An Act respecting the
City of Chatham

1st Reading

February 9th, 1956

2nd Reading

March 12th, 1956

3rd Reading

March 26th, 1956

MR. PARRY

No. 2

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the Sarnia General Hospital

MR. JANES

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 2

1956

BILL

An Act respecting the Sarnia General Hospital

WHEREAS The Corporation of the City of Sarnia by Preamble
its petition has represented that by *An Act respecting* 1920, c. 163
the Sarnia General Hospital, being chapter 163 of the Statutes
of Ontario, 1920, as amended by *The Sarnia General Hospital* 1928, c. 110
Act, 1928, The Sarnia General Hospital Act, 1946 and *The* 1946, c. 138
Sarnia General Hospital Act, 1955, no provision was made 1955, c. 113
giving The Hospital Commission power to borrow for the
current operating purposes of the hospital; and whereas the
Corporation by its petition has prayed for special legislation
in respect of the matter hereinafter set forth; and whereas
it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 14 of *An Act respecting the Sarnia General* 1920, c. 163,
Hospital, being chapter 163 of the Statutes of Ontario, 1920, ^{s. 14,} amended
is amended by adding thereto the following subsection:

- (2) The Hospital Commission may borrow from time ^{Borrowing}
to time, subject to the approval of the council, ^{powers and}
such sums as may be required for the current operat- ^{temporary}
ing purposes of the hospital; provided that the ^{advances}
amount of such borrowings shall not exceed \$200,000
at any one time, and the council shall be empowered
to make temporary advances to The Hospital Com-
mission from time to time for such purposes.

2. This Act comes into force on the day it receives Royal ^{Commence-}
Assent. ^{ment}

3. This Act may be cited as *The Sarnia General Hospital* ^{Short title}
Act, 1956.

BILL

An Act respecting the Sarnia
General Hospital

1st Reading

2nd Reading

3rd Reading

MR. J. ANES

(Private Bill)

No. 2

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the Sarnia General Hospital

MR. JANES

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 2

1956

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 ing purposes of the hospital; provided that the ^{advances}
 amount of such borrowings shall not exceed \$200,000
 at any one time, and the council shall be empowered
 to make temporary advances to The Hospital Com-
 mission from time to time for such purposes.

2. This Act comes into force on the day it receives Royal ^{Commence-}
 Assent. ^{ment}

3. This Act may be cited as *The Sarnia General Hospital* ^{Short title}
Act, 1956.

BILL

An Act respecting the Sarnia
General Hospital

1st Reading

February 9th, 1956

2nd Reading

February 17th, 1956

3rd Reading

February 27th, 1956

MR. JAMES

No. 3

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act respecting the Town of Leaside

MR. BECKETT

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 3

1956

BILL

An Act respecting the Town of Leaside

WHEREAS The Corporation of the Town of Leaside Preamble
by its petition has prayed for special legislation in
respect of the matter hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. *The Town of Leaside Act, 1939* is repealed. 1939, c. 62,
repealed
2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.
3. This Act may be cited as *The Town of Leaside Act, 1956*. Short title

BILL

An Act respecting
the Town of Leaside

1st Reading

2nd Reading

3rd Reading

MR. BECKETT

(Private Bill)

No. 3

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the Town of Leaside

MR. BECKETT

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 3

1956

BILL

An Act respecting the Town of Leaside

WHEREAS The Corporation of the Town of Leaside Preamble
by its petition has prayed for special legislation in
respect of the matter hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. *The Town of Leaside Act, 1939* is repealed. 1939, c. 62,
repealed
2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.
3. This Act may be cited as *The Town of Leaside Act, 1956*. Short title

BILL

An Act respecting
the Town of Leaside

1st Reading

February 16th, 1956

2nd Reading

February 24th, 1956

3rd Reading

February 28th, 1956

MR. BECKETT

No. 4

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the Township of Etobicoke

MR. LEWIS

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Township of Etobicoke

WHEREAS The Corporation of the Township of Etobicoke, hereinafter called the Corporation, by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this section,

Interpre-
tation

- (a) “benefit” means an immediate benefit or deferred benefit accruing to land or the owners and occupants thereof from the construction of a sewer, sewer system, sewage works or water works, and
 - (i) “immediate benefit” means the benefit which accrues to lands or the owners or occupants thereof upon the completion of the work whereby such lands are or may be immediately serviced, and
 - (ii) “deferred benefit” means the benefit which accrues to lands or the owners or occupants thereof upon the completion of the work whereby such lands may be serviced;
- (b) “capital cost” means all cost of the construction of works, or the acquisition of constructed works and interest thereon, including all items of cost usually and properly chargeable to capital account and includes the amount of debentures and interest thereon, if any, issued to finance the cost of construction or acquisition of a work, whether paid or unpaid, and includes the cost of improvement of works by an extension, enlargement, alteration, replacement or other improvement thereof;

- (c) "existing work" means any work existing at the time of the passing of a by-law pursuant to this section;
- (d) "land drainage" means storm, surface, overflow, sub-surface or seepage waters or other drainage from land, but does not include sewage;
- (e) "person" includes individual, association, firm, partnership or corporation;
- (f) "rate" means a charge for the capital cost of a work, and "sewage service rate" means a charge for the operation and maintenance of a work, to be paid by the owners or occupants of lands by any or all of the following methods,
 - (i) by a mill rate on the rateable property,
 - (ii) by a per foot frontage basis on the lands to which a benefit accrues,
 - (iii) on an acreage basis,
 - (iv) by a fixed charge on a gallonage basis ascertained by means of the water consumption registered on a water meter;
- (g) "sewage" means domestic sewage or industrial wastes, or both;
- (h) "sewage works" means an integral system consisting of a sewer or sewer system and treatment works;
- (i) "sewer" means a public sewer for the use of the owners and occupiers of lands for carrying away sewage or land drainage, or both, from abutting lands;
- (j) "sewer system" means a system of two or more interconnected sewers having one or more common discharge outlets, and includes the necessary pumping plant, force mains, siphons and other like works;
- (k) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage or land drainage or both, and includes land appropriated for the above-mentioned purposes and uses;

(l) "water, works" means any water pipes, mains, pumps, tanks, buildings, equipment works and plant in connection with the supply of water, or any part thereof or any extension thereto;

(m) "work" means a sewer, sewer system, sewage works, water works or any part thereof, or any extension thereto, and all lands, easements and rights in connection therewith.

(2) Subject to the approval of the Ontario Municipal Board ^{Rates} first being obtained, the council of the Corporation may by by-law authorize the construction of any work or the acquisition thereof, and may in the same or other by-laws provide for imposing upon the lands which, or the owners and occupants of which, derive, or will or may derive, a benefit from such work a rate or rates sufficient to pay such portion or percentage of the capital cost thereof as the by-law may specify, and with like approval any by-law passed under this section may be amended or re-enacted.

(a) No rate may be imposed under this subsection where a portion or percentage of the capital cost of a work has been or is specially assessed or assessable for the owners' share of the capital cost under *The R.S.O. 1950, Local Improvement Act.* ^{c. 215}

(3) Subject to the approval of the Ontario Municipal Board, the Corporation may by agreement ^{Agreements re acquisition of works} undertake to charge a rate or rates for and to pay the whole or part of the cost of installation or acquisition of any work owned, erected or installed by any person, and any such agreement may, among other things, provide for priority for specified lands respecting the use of such work and that the obligation of the Corporation to pay to any such person shall be limited to the amount collected for the capital cost of the said work by the Corporation as part of the annual rate or rates imposed on the designated lands until such obligation has been satisfied.

(4) A by-law passed under subsection 2 shall designate ^{Designation of land in by-law} the lands for which the owners or occupants are made liable for the rate imposed and, where the land designated does not comprise all land within the municipality, the area thereof shall be defined in the by-law.

(a) The land designated may include land for which an immediate benefit accrues and land for which a deferred benefit accrues.

(b) Land designated in the by-law as land to which a deferred benefit accrues may be redesignated as land

to which an immediate benefit accrues, as and when determined by the council.

Application
of revenues

(5) Receipts derived in any year from a rate imposed under subsection 2 shall be applied and used towards the payment of principal and interest due in that year upon debentures, if any, issued for the work for the capital cost of which the rate is imposed or for repayment as contemplated by subsection 3.

Rate for
existing
work

(6) Where there is land in the municipality which has not or the owners or occupants of which have not been and are not assessable or taxed with respect to an existing work and a work forming part of the existing work is to be constructed by means of which a benefit from the existing work accrues to or may or will accrue to such land or the owners or occupants of such land, the council of the Corporation may by by-law, passed with the approval of the Ontario Municipal Board, provide for imposing upon such lands a rate sufficient to pay for such portion or percentage of the capital cost of the existing work as the by-law may specify, and the provisions of this section shall apply to a by-law passed under this subsection and with like approval any by-law passed under this subsection may be amended or re-enacted.

- (a) Such rate may be imposed notwithstanding that the capital cost of the existing work has in whole or in part been paid.
- (b) Receipts from such rates, if any, not required for payment of any part of the outstanding capital cost of existing work shall be applied and used only for future capital improvements of the existing work.
- (c) A rate imposed under this subsection shall be separate from and in addition to the rate, if any, imposed under subsection 2 upon the same owners or occupants with respect to the work to be constructed to form part of the existing work.

Rate
structure

(7) The council of the Corporation, for the purposes of subsections 2 and 6, may by by-law passed under either of the said subsections or by separate by-law, with the approval of the Ontario Municipal Board, establish a rate structure upon which rates imposed under subsection 2 or 6 shall be based and calculated, and in establishing the rate structure the council shall have regard to differentiating between the several classes of works, the kind of benefits accruing, and all other relevant matters to ensure that rates are imposed upon a basis that is equitable and just, and with like approval such by-law may be amended or re-enacted.

(8) The council of the Corporation may by by-law provide for imposing upon the owners or occupants of land who use works for carrying away sewage or land drainage, or both, from their land, a sewage service rate sufficient to pay such portion or percentage of the annual cost of maintenance and operation of the work so used as the by-law may provide.

- (a) The cost of maintenance and operation of a work for the purpose of this subsection does not include any part of or payment of the capital cost of the work, or for any depreciation, obsolescence, deferred maintenance, or other fund or reserve created with respect to the work.

(9) A sewage service rate may be imposed under subsection 8 notwithstanding that,

- (a) a rate has also been imposed with respect to the capital cost of the same work; and
- (b) the work with respect to which it is imposed was constructed under *The Local Improvement Act*, or any other general or special Act.

(10) The council of the Corporation for the purpose of subsection 8 may by by-law establish a sewage service rate structure upon which sewage service rates imposed under subsection 8 shall be based and calculated, and in establishing the rate structure the council shall have regard to differentiating between classes of users, nature, volume and frequency of use, and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just; and a by-law passed under this subsection may be amended or re-enacted.

(11) The council of the Corporation may by by-law establish systems for,

- (a) fixing times, periods and frequencies at and for which rates imposed under subsection 2 or 6 and sewage service rates imposed under subsection 8 shall be payable, and they may be yearly, half-yearly, quarterly or bi-monthly;
- (b) allowing discounts for prompt payment of such rates or for adding penalties for non-payment by due date;
- (c) appointing persons, corporations or agencies to have charge of and the power and responsibility for billing and collecting such rates;

(d) billing and collecting such rates and for co-ordinating such billing and collecting with the billing and collecting of other kinds of rates or charges imposed by or for the Corporation;

(e) any other relevant matter or thing,

and a by-law passed under this subsection may be amended or re-enacted.

(12) A rate imposed under subsection 2 or 6 and a sewage service rate imposed under subsection 8 upon any owner or occupant of land shall be a lien and charge upon the land, and if the same or any part thereof remains unpaid after the due date the amount unpaid may be collected by distress upon the goods and chattels of such owner or occupant, or the clerk of the municipality, upon notice to him of the amount due, the person by whom it is due and the land upon which a lien is claimed, shall enter the same upon the collector's roll and the collector shall proceed to collect the same in the same way, as nearly as may be, as municipal taxes are collectable. <sup>Rates a
lien</sup>

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

3. This Act may be cited as *The Township of Etobicoke Act, 1956*. ^{Short title}

BILL

An Act respecting
the Township of Etobicoke

1st Reading

February 9th, 1956

2nd Reading

3rd Reading

MR. LEWIS

(*Private Bill*)

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the Township of Etobicoke

MR. LEWIS

(Reprinted as amended by the Committee on Private Bills)

BILL

An Act respecting the Township of Etobicoke

WHEREAS The Corporation of the Township of Etobicoke, hereinafter called the Corporation, by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this section,

Interpre-
tation

(a) “benefit” means an immediate benefit or deferred benefit accruing to land or the owners and occupants thereof from the construction of a sewer, sewer system, sewage works or water works, and

(i) “immediate benefit” means the benefit which accrues to lands or the owners or occupants thereof upon the completion of the work whereby such lands are or may be immediately serviced, and

(ii) “deferred benefit” means the benefit which accrues to lands or the owners or occupants thereof upon the completion of the work whereby such lands may be serviced;

(b) “capital cost” means all cost of the construction of works, or the acquisition of constructed works and interest thereon, including all items of cost usually and properly chargeable to capital account and includes the amount of debentures and interest thereon, if any, issued to finance the cost of construction or acquisition of a work, whether paid or unpaid, and includes the cost of improvement of works by an extension, enlargement, alteration, replacement or other improvement thereof;

- (c) "existing work" means any work existing at the time of the passing of a by-law pursuant to this section;
- (d) "land drainage" means storm, surface, overflow, sub-surface or seepage waters or other drainage from land, but does not include sewage;
- (e) "person" includes individual, association, firm, partnership or corporation;
- (f) "rate" means a charge for the capital cost of a work, and "sewage service rate" means a charge for the operation and maintenance of a work, to be paid by the owners or occupants of lands by any or all of the following methods,
 - (i) by a mill rate on the rateable property,
 - (ii) by a per foot frontage basis on the lands to which a benefit accrues,
 - (iii) on an acreage basis,
 - (iv) by a fixed charge on a gallonage basis ascertained by means of the water consumption registered on a water meter;
- (g) "sewage" means domestic sewage or industrial wastes, or both;
- (h) "sewage works" means an integral system consisting of a sewer or sewer system and treatment works;
- (i) "sewer" means a public sewer for the use of the owners and occupiers of lands for carrying away sewage or land drainage, or both, from abutting lands;
- (j) "sewer system" means a system of two or more interconnected sewers having one or more common discharge outlets, and includes the necessary pumping plant, force mains, siphons and other like works;
- (k) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage or land drainage or both, and includes land appropriated for the above-mentioned purposes and uses;

- (l) "water works" means any water pipes, mains, pumps, tanks, buildings, equipment works and plant in connection with the supply of water, or any part thereof or any extension thereto;
- (m) "work" means a sewer, sewer system, sewage works, water works or any part thereof, or any extension thereto, and all lands, easements and rights in connection therewith.

(2) Subject to the approval of the Ontario Municipal Board ^{Rates} first being obtained, the council of the Corporation may by by-law authorize the construction of any work or the acquisition thereof, and may in the same or other by-laws provide for imposing upon the lands which, or the owners and occupants of which, derive, or will or may derive, a benefit from such work a rate or rates sufficient to pay such portion or percentage of the capital cost thereof as the by-law may specify, and with like approval any by-law passed under this section may be amended or re-enacted.

- (a) No rate may be imposed under this subsection where a portion or percentage of the capital cost of the work has been or is specially assessed or assessable for the owners' share of the capital cost under *The R.S.O. 1950, c. 215* *Local Improvement Act*.

(3) Subject to the approval of the Ontario Municipal Board, the Corporation may by agreement ^{Agreements to acquisition of works} undertake to charge a rate or rates for and to pay the whole or part of the cost of installation or acquisition of any work owned, erected or installed by any person, and any such agreement may, among other things, provide for priority for specified lands respecting the use of such work and that the obligation of the Corporation to pay to any such person shall be limited to the amount collected for the capital cost of the said work by the Corporation either as part of the annual rate or rates imposed on the designated lands or otherwise until such obligation has been satisfied.

(4) A by-law passed under subsection 2 shall designate ^{Designation of land in by-law} the lands for which the owners or occupants are made liable for the rate imposed and, where the land designated does not comprise all land within the municipality, the area thereof shall be defined in the by-law.

- (a) The land designated may include land for which an immediate benefit accrues and land for which a deferred benefit accrues.
- (b) Land designated in the by-law as land to which a deferred benefit accrues may be redesignated as land

to which an immediate benefit accrues, as and when determined by the council.

Application
of revenues

(5) Receipts derived in any year from a rate imposed under subsection 2 shall be applied and used towards the payment of principal and interest due in that year upon debentures, if any, issued for the work for the capital cost of which the rate is imposed or for repayment as contemplated by subsection 3.

Rate for
existing
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(6) Where there is land in the municipality which has not or the owners or occupants of which have not been and are not assessable or taxed with respect to an existing work and a work forming part of the existing work is to be constructed by means of which a benefit from the existing work accrues to or may or will accrue to such land or the owners or occupants of such land, the council of the Corporation may by by-law, passed with the approval of the Ontario Municipal Board, provide for imposing upon such lands a rate sufficient to pay for such portion or percentage of the capital cost of the existing work as the by-law may specify, and the provisions of this section shall apply to a by-law passed under this subsection and with like approval any by-law passed under this subsection may be amended or re-enacted.

- (a) Such rate may be imposed notwithstanding that the capital cost of the existing work has in whole or in part been paid.
- (b) Receipts from such rates, if any, not required for payment of any part of the outstanding capital cost of existing work shall be applied and used only for future capital improvements of the existing work.
- (c) A rate imposed under this subsection shall be separate from and in addition to the rate, if any, imposed under subsection 2 upon the same owners or occupants with respect to the work to be constructed to form part of the existing work.

Rate
structure

(7) The council of the Corporation, for the purposes of subsections 2 and 6, may by by-law passed under either of the said subsections or by separate by-law, with the approval of the Ontario Municipal Board, establish a rate structure upon which rates imposed under subsection 2 or 6 shall be based and calculated, and in establishing the rate structure the council shall have regard to differentiating between the several classes of works, the kind of benefits accruing, and all other relevant matters to ensure that rates are imposed upon a basis that is equitable and just, and with like approval such by-law may be amended or re-enacted.

(8) The council of the Corporation may by by-law provide for imposing upon the owners or occupants of land who use works for carrying away sewage or land drainage, or both, from their land, a sewage service rate sufficient to pay such portion or percentage of the annual cost of maintenance and operation of the work so used as the by-law may provide.

- (a) The cost of maintenance and operation of a work for the purpose of this subsection does not include any part of or payment of the capital cost of the work, or for any depreciation, obsolescence, deferred maintenance, or other fund or reserve created with respect to the work.

(9) A sewage service rate may be imposed under sub-Idem section 8 notwithstanding that,

- (a) a rate has also been imposed with respect to the capital cost of the same work; and
- (b) the work with respect to which it is imposed was constructed under *The Local Improvement Act*, or any other general or special Act.

(10) The council of the Corporation for the purpose of subsection 8 may by by-law establish a sewage service rate structure upon which sewage service rates imposed under subsection 8 shall be based and calculated, and in establishing the rate structure the council shall have regard to differentiating between classes of users, nature, volume and frequency of use, and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just; and a by-law passed under this subsection may be amended or re-enacted.

(11) The council of the Corporation may by by-law establish systems for,

- (a) fixing times, periods and frequencies at and for which rates imposed under subsection 2 or 6 and sewage service rates imposed under subsection 8 shall be payable, and they may be yearly, half-yearly, quarterly or bi-monthly;
- (b) allowing discounts for prompt payment of such rates or for adding penalties for non-payment by due date;
- (c) appointing persons, corporations or agencies to have charge of and the power and responsibility for billing and collecting such rates;

(d) billing and collecting such rates and for co-ordinating such billing and collecting with the billing and collecting of other kinds of rates or charges imposed by or for the Corporation;

(e) any other relevant matter or thing,

and a by-law passed under this subsection may be amended or re-enacted.

Rates a
lien

(12) A rate imposed under subsection 2 or 6 and a sewage service rate imposed under subsection 8 upon any owner or occupant of land shall be a lien and charge upon the land, and if the same or any part thereof remains unpaid after the due date the amount unpaid may be collected by distress upon the goods and chattels of such owner or occupant, or the clerk of the municipality, upon notice to him of the amount due, the person by whom it is due and the land upon which a lien is claimed, shall enter the same upon the collector's roll and the collector shall proceed to collect the same in the same way, as nearly as may be, as municipal taxes are collectable.

Application

(13) Nothing in this section authorizes the imposition of a rate upon lands which are exempt from taxation for local improvements under any general or special Act.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Township of Etobicoke Act, 1956*.

BILL

An Act respecting
the Township of Etobicoke

1st Reading

February 9th, 1956

2nd Reading

3rd Reading

MR. LEWIS

(Reprinted as amended by the
Committee on Private Bills)

No. 4

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the Township of Etobicoke

MR. LEWIS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 4

1956

BILL

An Act respecting the Township of Etobicoke

WHEREAS The Corporation of the Township of Etobicoke, hereinafter called the Corporation, by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this section,

Interpre-
tation

- (a) “benefit” means an immediate benefit or deferred benefit accruing to land or the owners and occupants thereof from the construction of a sewer, sewer system, sewage works or water works, and
 - (i) “immediate benefit” means the benefit which accrues to lands or the owners or occupants thereof upon the completion of the work whereby such lands are or may be immediately serviced, and
 - (ii) “deferred benefit” means the benefit which accrues to lands or the owners or occupants thereof upon the completion of the work whereby such lands may be serviced;
- (b) “capital cost” means all cost of the construction of works, or the acquisition of constructed works and interest thereon, including all items of cost usually and properly chargeable to capital account and includes the amount of debentures and interest thereon, if any, issued to finance the cost of construction or acquisition of a work, whether paid or unpaid, and includes the cost of improvement of works by an extension, enlargement, alteration, replacement or other improvement thereof;

- (c) "existing work" means any work existing at the time of the passing of a by-law pursuant to this section;
- (d) "land drainage" means storm, surface, overflow, sub-surface or seepage waters or other drainage from land, but does not include sewage;
- (e) "person" includes individual, association, firm, partnership or corporation;
- (f) "rate" means a charge for the capital cost of a work, and "sewage service rate" means a charge for the operation and maintenance of a work, to be paid by the owners or occupants of lands by any or all of the following methods,
 - (i) by a mill rate on the rateable property,
 - (ii) by a per foot frontage basis on the lands to which a benefit accrues,
 - (iii) on an acreage basis,
 - (iv) by a fixed charge on a gallonage basis ascertained by means of the water consumption registered on a water meter;
- (g) "sewage" means domestic sewage or industrial wastes, or both;
- (h) "sewage works" means an integral system consisting of a sewer or sewer system and treatment works;
- (i) "sewer" means a public sewer for the use of the owners and occupiers of lands for carrying away sewage or land drainage, or both, from abutting lands;
- (j) "sewer system" means a system of two or more interconnected sewers having one or more common discharge outlets, and includes the necessary pumping plant, force mains, siphons and other like works;
- (k) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage or land drainage or both, and includes land appropriated for the above-mentioned purposes and uses;

- (l) "water works" means any water pipes, mains, pumps, tanks, buildings, equipment works and plant in connection with the supply of water, or any part thereof or any extension thereto;
- (m) "work" means a sewer, sewer system, sewage works, water works or any part thereof, or any extension thereto, and all lands, easements and rights in connection therewith.

(2) Subject to the approval of the Ontario Municipal Board ^{Rates} first being obtained, the council of the Corporation may by by-law authorize the construction of any work or the acquisition thereof, and may in the same or other by-laws provide for imposing upon the lands which, or the owners and occupants of which, derive, or will or may derive, a benefit from such work a rate or rates sufficient to pay such portion or percentage of the capital cost thereof as the by-law may specify, and with like approval any by-law passed under this section may be amended or re-enacted.

- (a) No rate may be imposed under this subsection where a portion or percentage of the capital cost of the work has been or is specially assessed or assessable for the owners' share of the capital cost under *The R.S.O. 1950, c. 215 Local Improvement Act*.

(3) Subject to the approval of the Ontario Municipal ^{Agreements} Board, the Corporation may by agreement undertake ^{re} to ^{acquisition} charge a rate or rates for and to pay the whole or part of the cost of installation or acquisition of any work owned, erected or installed by any person, and any such agreement may, among other things, provide for priority for specified lands respecting the use of such work and that the obligation of the Corporation to pay to any such person shall be limited to the amount collected for the capital cost of the said work by the Corporation either as part of the annual rate or rates imposed on the designated lands or otherwise until such obligation has been satisfied.

(4) A by-law passed under subsection 2 shall designate ^{Designation} the lands for which the owners or occupants are made liable ^{of land in} ^{by-law} for the rate imposed and, where the land designated does not comprise all land within the municipality, the area thereof shall be defined in the by-law.

- (a) The land designated may include land for which an immediate benefit accrues and land for which a deferred benefit accrues.
- (b) Land designated in the by-law as land to which a deferred benefit accrues may be redesignated as land

to which an immediate benefit accrues, as and when determined by the council.

**Application
of revenues**

(5) Receipts derived in any year from a rate imposed under subsection 2 shall be applied and used towards the payment of principal and interest due in that year upon debentures, if any, issued for the work for the capital cost of which the rate is imposed or for repayment as contemplated by subsection 3.

**Rate for
existing
work**

(6) Where there is land in the municipality which has not or the owners or occupants of which have not been and are not assessable or taxed with respect to an existing work and a work forming part of the existing work is to be constructed by means of which a benefit from the existing work accrues to or may or will accrue to such land or the owners or occupants of such land, the council of the Corporation may by by-law, passed with the approval of the Ontario Municipal Board, provide for imposing upon such lands a rate sufficient to pay for such portion or percentage of the capital cost of the existing work as the by-law may specify, and the provisions of this section shall apply to a by-law passed under this subsection and with like approval any by-law passed under this subsection may be amended or re-enacted.

- (a) Such rate may be imposed notwithstanding that the capital cost of the existing work has in whole or in part been paid.
- (b) Receipts from such rates, if any, not required for payment of any part of the outstanding capital cost of existing work shall be applied and used only for future capital improvements of the existing work.
- (c) A rate imposed under this subsection shall be separate from and in addition to the rate, if any, imposed under subsection 2 upon the same owners or occupants with respect to the work to be constructed to form part of the existing work.

**Rate
structure**

(7) The council of the Corporation, for the purposes of subsections 2 and 6, may by by-law passed under either of the said subsections or by separate by-law, with the approval of the Ontario Municipal Board, establish a rate structure upon which rates imposed under subsection 2 or 6 shall be based and calculated, and in establishing the rate structure the council shall have regard to differentiating between the several classes of works, the kind of benefits accruing, and all other relevant matters to ensure that rates are imposed upon a basis that is equitable and just, and with like approval such by-law may be amended or re-enacted.

(8) The council of the Corporation may by by-law provide ^{Sewage service rate} for imposing upon the owners or occupants of land who use works for carrying away sewage or land drainage, or both, from their land, a sewage service rate sufficient to pay such portion or percentage of the annual cost of maintenance and operation of the work so used as the by-law may provide.

- (a) The cost of maintenance and operation of a work for the purpose of this subsection does not include any part of or payment of the capital cost of the work, or for any depreciation, obsolescence, deferred maintenance, or other fund or reserve created with respect to the work.

(9) A sewage service rate may be imposed under sub-Idem section 8 notwithstanding that,

- (a) a rate has also been imposed with respect to the capital cost of the same work; and
- (b) the work with respect to which it is imposed was constructed under *The Local Improvement Act*, or ^{R.S.O. 1950, c. 215} any other general or special Act.

(10) The council of the Corporation for the purpose of ^{Sewage service rate structure} subsection 8 may by by-law establish a sewage service rate structure upon which sewage service rates imposed under subsection 8 shall be based and calculated, and in establishing the rate structure the council shall have regard to differentiating between classes of users, nature, volume and frequency of use, and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just; and a by-law passed under this subsection may be amended or re-enacted.

(11) The council of the Corporation may by by-law establish ^{Collection of rates} systems for,

- (a) fixing times, periods and frequencies at and for which rates imposed under subsection 2 or 6 and sewage service rates imposed under subsection 8 shall be payable, and they may be yearly, half-yearly, quarterly or bi-monthly;
- (b) allowing discounts for prompt payment of such rates or for adding penalties for non-payment by due date;
- (c) appointing persons, corporations or agencies to have charge of and the power and responsibility for billing and collecting such rates;

(d) billing and collecting such rates and for co-ordinating such billing and collecting with the billing and collecting of other kinds of rates or charges imposed by or for the Corporation;

(e) any other relevant matter or thing,

and a by-law passed under this subsection may be amended or re-enacted.

Rates a
lien

(12) A rate imposed under subsection 2 or 6 and a sewage service rate imposed under subsection 8 upon any owner or occupant of land shall be a lien and charge upon the land, and if the same or any part thereof remains unpaid after the due date the amount unpaid may be collected by distress upon the goods and chattels of such owner or occupant, or the clerk of the municipality, upon notice to him of the amount due, the person by whom it is due and the land upon which a lien is claimed, shall enter the same upon the collector's roll and the collector shall proceed to collect the same in the same way, as nearly as may be, as municipal taxes are collectable.

Application

(13) Nothing in this section authorizes the imposition of a rate upon lands which are exempt from taxation for local improvements under any general or special Act.

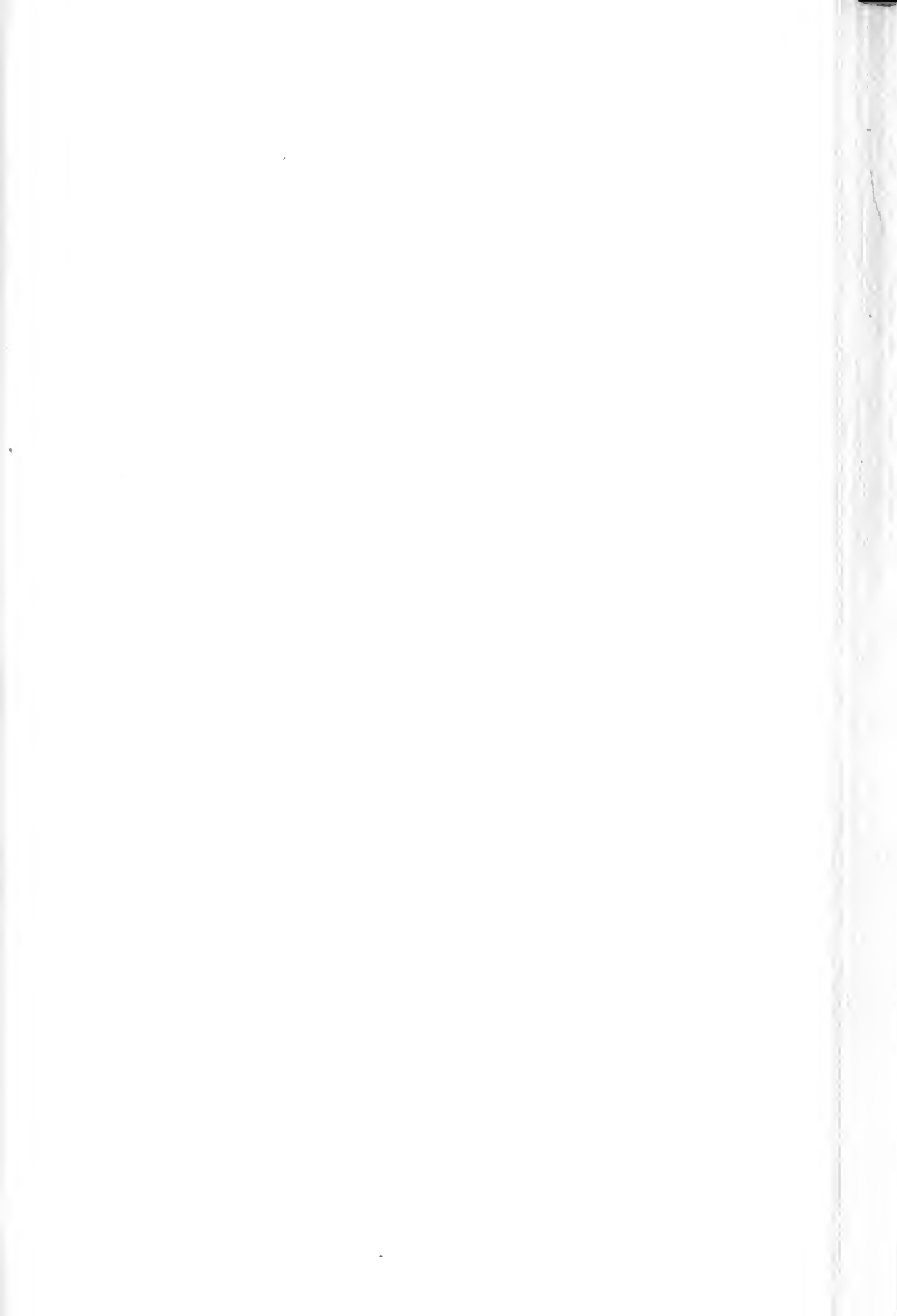
Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Township of Etobicoke Act, 1956*.





BILL

An Act respecting
the Township of Etobicoke

1st Reading

February 9th, 1956

2nd Reading

February 24th, 1956

3rd Reading

March 14th, 1956

Mr. LEWIS

No. 5

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the Township of North York

MR. GRAHAM

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 5

1956

BILL

An Act respecting the Township of North York

WHEREAS The Corporation of the Township of North York, hereinafter called the Corporation, by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Corporation may pass by-laws,

By-laws re
adequate
heat in
rented
accom-
modation

 - (a) requiring the maintenance of adequate and suitable heat for rented or leased dwelling or living accommodation which, as between the tenant or lessee and the landlord, is normally heated by or at the expense of the landlord;
 - (b) defining adequate and suitable heat; and
 - (c) providing for the inspection of such dwelling or living accommodation.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Township of North York Act, 1956*.

Short title

BILL

An Act respecting
the Township of North York

1st Reading

February 16th, 1956

2nd Reading

3rd Reading

MR. GRAHAM

(*Private Bill*)

No. 5

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the Township of North York

MR. GRAHAM

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 5

1956

BILL

An Act respecting the Township of North York

WHEREAS The Corporation of the Township of North York, hereinafter called the Corporation, by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Corporation may pass by-laws,

By-laws re
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 - (a) requiring the maintenance of adequate and suitable heat for rented or leased dwelling or living accommodation which, as between the tenant or lessee and the landlord, is normally heated by or at the expense of the landlord;
 - (b) defining adequate and suitable heat; and
 - (c) providing for the inspection of such dwelling or living accommodation.
2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
3. This Act may be cited as *The Township of North York Act, 1956*.

Short title

BILL .

An Act respecting
the Township of North York

1st Reading

February 16th, 1956

2nd Reading

March 12th, 1956

3rd Reading

March 26th, 1956

MR. GRAHAM

NO. 6

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting
The Canada Board of American Missions
of The United Lutheran Church in America

MR. WINTERMEYER

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 6

1956

BILL

An Act respecting The Canada Board of American Missions of The United Lutheran Church in America

WHEREAS The Canada Board of American Missions of Preamble
The United Lutheran Church in America, hereinafter
called the Corporation, by its petition has represented that
it was incorporated by *An Act to incorporate The Canada* 1939, c. 62
Board of American Missions of The United Lutheran Church (Can.)
in America, passed by the Parliament of Canada on the 2nd
day of May, 1939, and being chapter 62 of the Statutes of
Canada, 1939; that the usefulness of the Corporation would
be advanced and the purposes for which it was incorporated
would be further promoted if the provisions of the said Act
were declared to be and to have been in force in Ontario since
the passing of the said Act; and that certain other powers be
conferred upon the Corporation; and whereas the petitioner
has prayed that special legislation be passed for such purposes;
and whereas it is expedient to grant the prayer of the petition:

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In so far as the legislative authority of the Legislature 1939, c. 62
extends, *An Act to incorporate The Canada Board of American* (Can.)
Missions of The United Lutheran Church in America, being in force
chapter 62 of the Statutes of Canada, 1939, is declared to be in Ontario
and to have been in force in Ontario since the 2nd day of
May, 1939.

2. The Corporation has full power to exercise in Ontario Application
all the rights, powers and privileges granted to it by sections of R.S.O.
7 and 8 of its Act of incorporation without being required to 1950,
take out a licence in mortmain or to otherwise comply with c. 241
the provisions of *The Mortmain and Charitable Uses Act*.

3. All acts done by the Corporation in Ontario since the Acts of
2nd day of May, 1939, are hereby ratified and confirmed and Corporation
any or all claims to forfeiture which may have arisen since the in Ontario
validated

2nd day of May, 1939, to the day this Act comes into force are hereby waived and relinquished.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Canada Board of American Missions of The United Lutheran Church in America Act, 1956*.

BILL

An Act respecting The Canada Board of
American Missions of The United
Lutheran Church in America

1st Reading

2nd Reading

3rd Reading

MR. WINTERMEYER

(Private Bill)

No. 6

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

**An Act respecting
The Canada Board of American Missions
of The United Lutheran Church in America**

MR. WINTERMEYER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 6

1956

BILL

An Act respecting The Canada Board of American Missions of The United Lutheran Church in America

WHEREAS The Canada Board of American Missions of Preamble
The United Lutheran Church in America, hereinafter
called the Corporation, by its petition has represented that
it was incorporated by *An Act to incorporate The Canada* 1939, c. 62
Board of American Missions of The United Lutheran Church (Can.)
in America, passed by the Parliament of Canada on the 2nd
day of May, 1939, and being chapter 62 of the Statutes of
Canada, 1939; that the usefulness of the Corporation would
be advanced and the purposes for which it was incorporated
would be further promoted if the provisions of the said Act
were declared to be and to have been in force in Ontario since
the passing of the said Act; and that certain other powers be
conferred upon the Corporation; and whereas the petitioner
has prayed that special legislation be passed for such purposes;
and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In so far as the legislative authority of the Legislature 1939, c. 62
extends, *An Act to incorporate The Canada Board of American* (Can.)
Missions of The United Lutheran Church in America, being in force
chapter 62 of the Statutes of Canada, 1939, is declared to be in Ontario
and to have been in force in Ontario since the 2nd day of
May, 1939.

2. The Corporation has full power to exercise in Ontario Application
all the rights, powers and privileges granted to it by sections of R.S.O.
7 and 8 of its Act of incorporation without being required to 1950,
take out a licence in mortmain or to otherwise comply with c. 241
the provisions of *The Mortmain and Charitable Uses Act*.

3. All acts done by the Corporation in Ontario since the Acts of
2nd day of May, 1939, are hereby ratified and confirmed and Corporation
any or all claims to forfeiture which may have arisen since the in Ontario
validated

2nd day of May, 1939, to the day this Act comes into force are hereby waived and relinquished.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Canada Board of American Missions of The United Lutheran Church in America Act, 1956*.

BILL

An Act respecting The Canada Board of
American Missions of The United
Lutheran Church in America

1st Reading

February 9th, 1956

2nd Reading

February 17th, 1956

3rd Reading

February 27th, 1956

MR. WINTERMEYER

No. 7

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the City of Woodstock

MR. INNES

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 7

1956

BILL

An Act respecting the City of Woodstock

WHEREAS The Corporation of the City of Woodstock ^{Preamble} by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of The Corporation of the City of Woodstock may pass by-laws, without the assent of the electors, but subject to the approval of the Ontario Municipal Board, ^{By-laws re industrial railway sidings}

- (a) for authorizing the construction and maintenance of industrial railway sidings to serve all or any part of the lands described as follows:

All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Woodstock, in the County of Oxford and Province of Ontario, and being composed of parts of Lots Seventeen and Eighteen in the Second Concession of Blandford, the boundaries of which are described as follows:

Commencing at a point in the westerly boundary of said Lot Eighteen at the distance of Six Hundred and Sixty-six and Five Tenths (666.5) feet measured northerly along said boundary from the south-westerly angle of said lot Eighteen; thence easterly parallel to the southerly boundary of said lot Three Hundred and Thirty-three (333) feet to a post; thence southerly parallel to the westerly boundary of said lot Six Hundred and Sixty-six and Five-Tenths (666.5) feet to the southerly boundary of said lot; thence north Seventy-eight degrees Thirty minutes east along the southerly boundary of said lot Eighteen, a distance of Eight Hundred and Twenty-one (821) feet to the line between said lots; thence continuing easterly on the same course along the southerly boundary of said lot Seventeen Six Hundred and Fifty and Eight Tenths (650.8) feet; thence north seventeen degrees Twenty-six minutes Thirty seconds west parallel to the easterly boundary of said lot Seventeen, a distance of Three Thousand and Seventy-one (3071) feet to the southerly boundary of the right-of-way of the Canadian Pacific Railway; thence south Sixty-six degrees One Minute Forty-five seconds west along the southerly boundary of said right-of-way One Thousand

Four Hundred and Seventy-four and Four tenths (1474.4) feet to the westerly boundary of said lot Eighteen; thence south Ten degrees Thirty minutes Fifteen seconds east along this last mentioned boundary Two Thousand and Seventy (2070) feet more or less to the place of beginning; Containing by admeasurement One Hundred and Three (103) Acres be the same more or less;

(b) for issuing debentures, for any such purpose, for any term not exceeding twenty years.

Sale or
lease of
sidings

(2) Any railway siding, or part thereof, constructed under the authority of this section may be sold or leased, or the right to use the same or any part thereof may be granted, for such price, rental or compensation as may be approved by the Department of Municipal Affairs.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The City of Woodstock Act*, 1956.

BILL

An Act respecting
the City of Woodstock

1st Reading

2nd Reading

3rd Reading

MR. INNES

(Private Bill)

No. 7

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the City of Woodstock

MR. INNES

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 7

1956

BILL

An Act respecting the City of Woodstock

WHEREAS The Corporation of the City of Woodstock ^{Preamble} by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of The Corporation of the City of Woodstock may pass by-laws, without the assent of the electors, but subject to the approval of the Ontario Municipal Board, ^{By-laws re industrial railway sidings}

- (a) for authorizing the construction and maintenance of industrial railway sidings to serve all or any part of the lands described as follows:

All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Woodstock, in the County of Oxford and Province of Ontario, and being composed of parts of Lots Seventeen and Eighteen in the Second Concession of Blandford, the boundaries of which are described as follows:

Commencing at a point in the westerly boundary of said Lot Eighteen at the distance of Six Hundred and Sixty-six and Five Tenths (666.5) feet measured northerly along said boundary from the south-westerly angle of said lot Eighteen; thence easterly parallel to the southerly boundary of said lot Three Hundred and Thirty-three (333) feet to a post; thence southerly parallel to the westerly boundary of said lot Six Hundred and Sixty-six and Five-Tenths (666.5) feet to the southerly boundary of said lot; thence north Seventy-eight degrees Thirty minutes east along the southerly boundary of said lot Eighteen, a distance of Eight Hundred and Twenty-one (821) feet to the line between said lots; thence continuing easterly on the same course along the southerly boundary of said lot Seventeen Six Hundred and Fifty and Eight Tenths (650.8) feet; thence north seventeen degrees Twenty-six minutes Thirty seconds west parallel to the easterly boundary of said lot Seventeen, a distance of Three Thousand and Seventy-one (3071) feet to the southerly boundary of the right-of-way of the Canadian Pacific Railway; thence south Sixty-six degrees One Minute Forty-five seconds west along the southerly boundary of said right-of-way One Thousand

Four Hundred and Seventy-four and Four tenths (1474.4) feet to the westerly boundary of said lot Eighteen; thence south Ten degrees Thirty minutes Fifteen seconds east along this last mentioned boundary Two Thousand and Seventy (2070) feet more or less to the place of beginning; Containing by admeasurement One Hundred and Three (103) Acres be the same more or less;

(b) for issuing debentures, for any such purpose, for any term not exceeding twenty years.

Sale or
lease of
sidings

(2) Any railway siding, or part thereof, constructed under the authority of this section may be sold or leased, or the right to use the same or any part thereof may be granted, for such price, rental or compensation as may be approved by the Department of Municipal Affairs.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The City of Woodstock Act, 1956*.

BILL

An Act respecting
the City of Woodstock

1st Reading

February 9th, 1956

2nd Reading

February 24th, 1956

3rd Reading

March 28th, 1956

MR. INNES

No. 8

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the City of Sault Ste. Marie

MR. LYONS

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Sault Ste. Marie

WHEREAS The Corporation of the City of Sault Ste. Marie, hereinafter called the Corporation, by its petition has represented that it is desirable to increase the number of members of The Public Utilities Commission of the City of Sault Ste. Marie to seven members instead of five members as at present provided and to provide for their election and has prayed for special legislation in respect thereof; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to the provisions of this Act, The Public Utilities Commission of the City of Sault Ste. Marie, hereinafter called the Commission, heretofore established for the administration of the water and light systems of the City, is hereby continued. P.U.C. continued
2. The Commission shall consist of seven members, six to be elected, one from each ward in the City, at the same time and place and in the same manner as the members of the council of the Corporation and the seventh to be the Mayor of the City *ex officio*. Composition
3. A member of the council of the Corporation, other than the Mayor, and a member of any board or commission acting for or on behalf of the Corporation shall not be eligible to be elected to the Commission. Persons not eligible
- 4.—(1) At the first annual municipal election held after this Act comes into force, Term of office
 - (a) the members elected from Wards 1, 3 and 5 of the City shall hold office for two years; and
 - (b) the members elected from Wards 2, 4 and 6 of the City shall hold office for one year.

- Idem** (2) At all subsequent elections, members of the Commission shall be elected for a two-year term.
- Idem** (3) Members of the Commission shall continue in office until the end of the year in which their successors are elected.
- Vacancies** **5.** A vacancy from any cause in the membership of the Commission shall be filled by the council of the Corporation and the newly-appointed member shall hold office for the balance of the term of the member who vacated the office and shall continue in office until the end of the year in which his successor is elected.
- Salaries of commissioners** **6.** The commissioners may be paid salaries in accordance with *The Public Utilities Act*.
- Application of R.S.O. 1950, c. 320** **7.** Except as varied by this Act, the provisions of *The Public Utilities Act* shall apply to the Commission and its members.
- By-law validated** **8.** By-law No. 2370 of the Corporation, set forth as the Schedule hereto, is hereby validated and confirmed.
- By-laws void** **9.** All by-laws, except By-law No. 2370, of the Corporation passed with respect to the Commission shall be void.
- 1952, c. 134, repealed** **10.** *The City of Sault Ste. Marie Act, 1952* is repealed.
- Establishment of bus system** **11.—(1)** The Corporation may establish by purchase or otherwise a municipally-operated bus transportation system in the City of Sault Ste. Marie and may own real and personal property for use in connection therewith.
- Debentures** (2) Subject to the approval of the Ontario Municipal Board, the Corporation may issue debentures, without the assent of the electors, for the purposes mentioned in subsection 1.
- Operation by Commission** (3) The Corporation may, by by-law, entrust the construction of the work in connection with the transportation system and the control and management of the system to the Commission.
- Commencement** **12.—(1)** This Act, except section 10, comes into force on the day it receives Royal Assent.
- Idem** (2) Section 10 comes into force on the 1st day of January, 1957.
- Short title** **13.** This Act may be cited as *The City of Sault Ste. Marie Act, 1956*.

SCHEDULE

BY-LAW NO. 2370

OF THE CORPORATION OF THE CITY OF SAULT STE. MARIE

Being a by-law to authorize an application of the City of Sault Ste. Marie for special legislation to provide for an increase in the number of Public Utilities Commissioners from five to seven and for their election by wards in the same manner as aldermen are elected.

WHEREAS there are at present five Public Utilities Commissioners of whom one is *ex-officio* the Mayor, and the remaining four are appointed by the Municipal Council of the said Corporation as provided by 1 Elizabeth II, Chapter 134, Section 2.

AND WHEREAS it is deemed advisable and expedient to increase the number of members of the Public Utilities Commission from five to seven and to provide for their election, and to apply for a special act of the legislature of the Province of Ontario to authorize such increase and election.

NOW THEREFORE the Municipal Council of the Corporation of the City of Sault Ste. Marie enacts as follows:

1. The Public Utilities Commission of the City of Sault Ste. Marie shall consist of seven members of whom the Mayor shall *ex-officio* be one and the other six shall be elected one from each ward in the said City at the same time and place and in the same manner as the members of the council, provided that a member of the council of the Corporation, other than the Mayor, and a member of any board or commission acting for or on behalf of such Corporation, shall not be eligible to be so elected.

2. One-half of the first elected members shall hold office for two years and the other one-half for one year, those representing wards 1, 3 and 5 to be elected for the two-year term and those representing wards 2, 4 and 6 to be elected for a one-year term and they shall continue in office until their successors are elected. At all subsequent elections the members shall be elected for a term of two years.

3. Application shall be made to the Legislature of the Province of Ontario at its next session or as soon as may be expedient for a special Act to authorize the increase in number of members of the Public Utilities Commission and provide for their election as in paragraph one hereof provided.

4. This by-law, after being read a first and second time, shall be submitted to the electors of the City of Sault Ste. Marie for their approval.

5. In case the approval of a majority of the electors voting on the said by-law is obtained, this by-law shall thereupon be given third reading and finally passed and shall come into force on such date as the special act of the legislature of the Province of Ontario for which application is to be made, shall declare.

READ a first and second time this 24th of October, A.D. 1955.

C. H. SMALE,
Mayor.

(Seal)

G. H. TOLLEY,
Clerk.

READ a third time and finally passed this 19th day of December, A.D. 1955.

C. H. SMALE,
Mayor.

(Seal)

G. H. TOLLEY,
Clerk.

BILL

An Act respecting
the City of Sault Ste. Marie

1st Reading

2nd Reading

3rd Reading

MR. LYONS

(*Private Bill*)

No. 8

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the City of Sault Ste. Marie

MR. LYONS

No. 8

1956

BILL

An Act respecting the City of Sault Ste. Marie

WHEREAS The Corporation of the City of Sault Ste. Marie, hereinafter called the Corporation, by its petition has represented that it is desirable to increase the number of members of The Public Utilities Commission of the City of Sault Ste. Marie to seven members instead of five members as at present provided and to provide for their election and has prayed for special legislation in respect thereof; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to the provisions of this Act, The Public Utilities Commission of the City of Sault Ste. Marie, hereinafter called the Commission, heretofore established for the administration of the water and light systems of the City, is hereby continued.

2. The Commission shall consist of seven members, six to be elected, one from each ward in the City, at the same time and place and in the same manner as the members of the council of the Corporation and the seventh to be the Mayor of the City *ex officio*.

3. A member of the council of the Corporation, other than the Mayor, and a member of any board or commission acting for or on behalf of the Corporation shall not be eligible to be elected to the Commission.

4.—(1) At the first annual municipal election held after this Act comes into force,

- (a) the members elected from Wards 1, 3 and 5 of the City shall hold office for two years; and
- (b) the members elected from Wards 2, 4 and 6 of the City shall hold office for one year.

- Idem** (2) At all subsequent elections, members of the Commission shall be elected for a two-year term.
- Idem** (3) Members of the Commission shall continue in office until the end of the year in which their successors are elected.
- Vacancies** **5.** A vacancy from any cause in the membership of the Commission shall be filled by the council of the Corporation and the newly-appointed member shall hold office for the balance of the term of the member who vacated the office and shall continue in office until the end of the year in which his successor is elected.
- Salaries of commissioners** **6.** The commissioners may be paid salaries in accordance with *The Public Utilities Act*.
- Application of R.S.O. 1950, c. 320** **7.** Except as varied by this Act, the provisions of *The Public Utilities Act* shall apply to the Commission and its members.
- By-law validated** **8.** By-law No. 2370 of the Corporation, set forth as the Schedule hereto, is hereby validated and confirmed.
- By-laws void** **9.** All by-laws, except By-law No. 2370, of the Corporation passed with respect to the Commission shall be void.
- 1952, c. 134, repealed** **10.** *The City of Sault Ste. Marie Act, 1952* is repealed.
- Establishment of bus system** **11.—(1)** The Corporation may establish by purchase or otherwise a municipally-operated bus transportation system in the City of Sault Ste. Marie and may own real and personal property for use in connection therewith.
- Debentures** (2) Subject to the approval of the Ontario Municipal Board, the Corporation may issue debentures, without the assent of the electors, for the purposes mentioned in subsection 1.
- Operation by Commission** (3) The Corporation may, by by-law, entrust the construction of the work in connection with the transportation system and the control and management of the system to the Commission.
- Commencement** **12.—(1)** This Act, except section 10, comes into force on the day it receives Royal Assent.
- Idem** (2) Section 10 comes into force on the 1st day of January, 1957.
- Short title** **13.** This Act may be cited as *The City of Sault Ste. Marie Act, 1956*.

SCHEDULE

BY-LAW NO. 2370

OF THE CORPORATION OF THE CITY OF SAULT STE. MARIE

Being a by-law to authorize an application of the City of Sault Ste. Marie for special legislation to provide for an increase in the number of Public Utilities Commissioners from five to seven and for their election by wards in the same manner as aldermen are elected.

WHEREAS there are at present five Public Utilities Commissioners of whom one is *ex-officio* the Mayor, and the remaining four are appointed by the Municipal Council of the said Corporation as provided by 1 Elizabeth II, Chapter 134, Section 2.

AND WHEREAS it is deemed advisable and expedient to increase the number of members of the Public Utilities Commission from five to seven and to provide for their election, and to apply for a special act of the legislature of the Province of Ontario to authorize such increase and election.

NOW THEREFORE the Municipal Council of the Corporation of the City of Sault Ste. Marie enacts as follows:

1. The Public Utilities Commission of the City of Sault Ste. Marie shall consist of seven members of whom the Mayor shall *ex-officio* be one and the other six shall be elected one from each ward in the said City at the same time and place and in the same manner as the members of the council, provided that a member of the council of the Corporation, other than the Mayor, and a member of any board or commission acting for or on behalf of such Corporation, shall not be eligible to be so elected.

2. One-half of the first elected members shall hold office for two years and the other one-half for one year, those representing wards 1, 3 and 5 to be elected for the two-year term and those representing wards 2, 4 and 6 to be elected for a one-year term and they shall continue in office until their successors are elected. At all subsequent elections the members shall be elected for a term of two years.

3. Application shall be made to the Legislature of the Province of Ontario at its next session or as soon as may be expedient for a special Act to authorize the increase in number of members of the Public Utilities Commission and provide for their election as in paragraph one hereof provided.

4. This by-law, after being read a first and second time, shall be submitted to the electors of the City of Sault Ste. Marie for their approval.

5. In case the approval of a majority of the electors voting on the said by-law is obtained, this by-law shall thereupon be given third reading and finally passed and shall come into force on such date as the special act of the legislature of the Province of Ontario for which application is to be made, shall declare.

READ a first and second time this 24th of October, A.D. 1955.

C. H. SMALE,
Mayor.

(Seal)

G. H. TOLLEY,
Clerk.

READ a third time and finally passed this 19th day of December, A.D. 1955.

C. H. SMALE,
Mayor.

(Seal)

G. H. TOLLEY,
Clerk.



BILL

An Act respecting
the City of Sault Ste. Marie

1st Reading

February 16th, 1956

2nd Reading

March 12th, 1956

3rd Reading

March 26th, 1956

MR. LYONS

No. 9

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting
the City of Peterborough

MR. AULD

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 9

1956

BILL

An Act respecting the City of Peterborough

WHEREAS The Corporation of the City of Peterborough Preamble
by its petition has prayed for special legislation in
respect of the matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The purchase of the lands more particularly described Purchases
by City
validated
in registered instruments Nos. 12933 and 12852, for the
Township of North Monaghan, and Nos. 45388, 44486 and
44547, for the City of Peterborough, respectively, from the
Public Trustee, John Albert Williams, Charles Edward
Graham and Bert Cecil Graham, respectively, by The Cor-
poration of the City of Peterborough are ratified, confirmed
and declared to be legal, valid and binding, and each convey-
ance of the said lands to The Corporation of the City of
Peterborough shall be deemed to have had the effect of vesting
said lands in the Corporation in fee simple, and the lands so
purchased shall be deemed to have been acquired for the
purposes of the Corporation.

2. The conveyances by The Corporation of the City of Conveyances
by City
validated
Peterborough to Coca-Cola Ltd., Raymond John Lemery and
Arnold Steele of lands more particularly described in deeds
dated the 5th day of November, 1948, the 16th day of October,
1951, and the 13th day of December, 1952, and registered
as Nos. 49857, 58484 and 62919, respectively, for the City
of Peterborough, are ratified and confirmed and declared to
be legal and valid, and such conveyances shall be deemed to
have had the effect of vesting the said lands in Coca-Cola
Ltd., Raymond John Lemery and Arnold Steele in fee simple.

3. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

4. This Act may be cited as *The City of Peterborough Act*, Short title
1956.

BILL
An Act respecting
the City of Peterborough

1st Reading

2nd Reading

3rd Reading

MR. AULD

(*Private Bill*)

No. 9

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting
the City of Peterborough

MR. AULD

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 9

1956

BILL

An Act respecting the City of Peterborough

WHEREAS The Corporation of the City of Peterborough Preamble
by its petition has prayed for special legislation in
respect of the matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The purchase of the lands more particularly described Purchases
by City
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in registered instruments Nos. 12933 and 12852, for the
Township of North Monaghan, and Nos. 45388, 44486 and
44547, for the City of Peterborough, respectively, from the
Public Trustee, John Albert Williams, Charles Edward
Graham and Bert Cecil Graham, respectively, by The Cor-
poration of the City of Peterborough are ratified, confirmed
and declared to be legal, valid and binding, and each convey-
ance of the said lands to The Corporation of the City of
Peterborough shall be deemed to have had the effect of vesting
said lands in the Corporation in fee simple, and the lands so
purchased shall be deemed to have been acquired for the
purposes of the Corporation.

2. The conveyances by The Corporation of the City of Conveyances
by City
validated
Peterborough to Coca-Cola Ltd., Raymond John Lemery and
Arnold Steele of lands more particularly described in deeds
dated the 5th day of November, 1948, the 16th day of October,
1951, and the 13th day of December, 1952, and registered
as Nos. 49857, 58484 and 62919, respectively, for the City
of Peterborough, are ratified and confirmed and declared to
be legal and valid, and such conveyances shall be deemed to
have had the effect of vesting the said lands in Coca-Cola
Ltd., Raymond John Lemery and Arnold Steele in fee simple.

3. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

4. This Act may be cited as *The City of Peterborough Act*, Short title
1956.

BILL

An Act respecting
the City of Peterborough

1st Reading

February 9th, 1956

2nd Reading

February 17th, 1956

3rd Reading

February 27th, 1956

MR. AULD

No. 10

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting Canadian Pacific Railway Company

MR. COWLING

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 10

1956

BILL

An Act respecting Canadian Pacific Railway Company

WHEREAS Canadian Pacific Railway Company by its Preamble
petition has represented that a petition has been made to the Parliament of Canada for an Act vesting in Canadian Pacific Railway Company the assets and undertakings of the companies listed in Schedules A and B and dissolving the companies listed in Schedule A; and whereas Canadian Pacific Railway Company has prayed that in so far as the legislative authority of the Legislature extends, the assets and undertakings of the companies listed in Schedules A and B be vested in Canadian Pacific Railway Company and that the company listed in Schedule B be dissolved; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In so far as the legislative authority of the Legislature extends, the powers, rights, privileges, franchises, assets, effects and properties, real and personal, belonging to or possessed by the companies listed in Schedules A and B or to which they are or would hereafter have been or become entitled, are hereby vested in Canadian Pacific Railway Company. Assets of companies vested in C.P.R.

2. The company listed in Schedule B is hereby dissolved. Midland Simcoe Railway Co. dissolved

3. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement

4. This Act may be cited as *The Canadian Pacific Railway Company Act, 1956*. Short title

SCHEDULE A

The Campbellford, Lake Ontario and Western Railway Company
The Fort William Terminal Railway and Bridge Company
The Georgian Bay and Seaboard Railway Company
The Guelph and Goderich Railway Company
The South Ontario Pacific Railway
The Walkerton and Lucknow Railway Company

SCHEDULE B

The Midland Simcoe Railway Company

BILL

An Act respecting
Canadian Pacific Railway Company

1st Reading

2nd Reading

3rd Reading

MR. COWLING

(*Private Bill*)

No. 10

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting Canadian Pacific Railway Company

MR. COWLING

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 10

1956

BILL

An Act respecting Canadian Pacific Railway Company

WHEREAS Canadian Pacific Railway Company by its Preamble
petition has represented that a petition has been made
to the Parliament of Canada for an Act vesting in Canadian
Pacific Railway Company the assets and undertakings of the
companies listed in Schedules A and B and dissolving the
companies listed in Schedule A; and whereas Canadian Pacific
Railway Company has prayed that in so far as the legislative
authority of the Legislature extends, the assets and under-
takings of the companies listed in Schedules A and B be
vested in Canadian Pacific Railway Company and that the
company listed in Schedule B be dissolved; and whereas it
is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In so far as the legislative authority of the Legislature Assets of
companies
vested in
C.P.R.
extends, the powers, rights, privileges, franchises, assets,
effects and properties, real and personal, belonging to or
possessed by the companies listed in Schedules A and B
or to which they are or would hereafter have been or become
entitled, are hereby vested in Canadian Pacific Railway
Company.

2. The company listed in Schedule B is hereby dissolved. Midland
Simcoe
Railway Co.
dissolved

3. This Act comes into force on a day to be named by the Commence-
ment
Lieutenant-Governor by his Proclamation.

4. This Act may be cited as *The Canadian Pacific Railway* Short title
Company Act, 1956.

SCHEDULE A

The Campbellford, Lake Ontario and Western Railway Company
The Fort William Terminal Railway and Bridge Company
The Georgian Bay and Seaboard Railway Company
The Guelph and Goderich Railway Company
The South Ontario Pacific Railway
The Walkerton and Lucknow Railway Company

SCHEDULE B

The Midland Simcoe Railway Company

BILL

An Act respecting
Canadian Pacific Railway Company

1st Reading

February 9th, 1956

2nd Reading

February 17th, 1956

3rd Reading

February 27th, 1956

MR. COWLING

No. 11

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

**An Act respecting the Chatham Board of Education
and the Chatham Suburban High School District**

MR. PARRY

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 11

1956

BILL

An Act respecting the Chatham Board of Education and the Chatham Suburban High School District

WHEREAS The Board of Education for the City of Chatham and The Chatham Suburban District High School Board by their petition have prayed for special legislation to validate and confirm an agreement dated the 11th day of October, 1955, as amended by an agreement dated the 10th day of January, 1956, between the said Boards; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement between The Board of Education for the City of Chatham and The Chatham Suburban District High School Board dated the 11th day of October, 1955, as amended and executed by both parties thereto, set forth as the Schedule hereto, is hereby validated and confirmed and declared to be legal and binding upon the parties thereto.

2. Notwithstanding *The Secondary Schools and Boards of Education Act, 1954* or any other general or special Act, the County of Kent shall not be entitled to any representation on The Board of Education for the City of Chatham so long as the agreement remains in force.

3. Notwithstanding *The Secondary Schools and Boards of Education Act, 1954* or any other general or special Act, the councils of the townships of Dover, Harwich, Chatham and Raleigh in the County of Kent shall each be entitled to appoint one representative to The Board of Education for the City of Chatham in the manner provided in the agreement so long as the agreement remains in force.

4. In so far as the provisions hereof alter, vary or conflict with any of the provisions of *The Secondary Schools and Boards of Education Act, 1954*, *The Schools Administration Act, 1954* or any other Act relating to education or the administration of schools, the provisions of this Act prevail.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Chatham and Suburban Secondary Schools Act, 1956*.

SCHEDULE

AGREEMENT made this Eleventh day of October, A.D. 1955.

BETWEEN:

THE BOARD OF EDUCATION FOR THE CITY OF CHATHAM,
hereinafter called the "Party"

OF THE FIRST PART,

—and—

THE CHATHAM SUBURBAN DISTRICT HIGH SCHOOL
BOARD, hereinafter called the "Party"

OF THE SECOND PART.

WHEREAS it is the duty of the Party of the Second Part to provide adequate accommodation for its pupils;

AND WHEREAS the said Party of the Second Part has been using the schools of the Party of the First Part for this purpose;

AND WHEREAS the Secondary Schools operated by the Party of the First Part have become overcrowded and in order to accommodate the pupils of the Parties it is necessary to build additional secondary school facilities;

AND WHEREAS the Parties hereto are desirous of entering into an equitable arrangement by which it will be possible for the pupils of both Parties to be provided with adequate secondary school accommodation;

AND WHEREAS to provide such accommodation it will be necessary for the Party of the First Part to expand Its facilities and incur heavy capital expenditures.

NOW THIS INDENTURE WITNESSETH:—

1 (a). The Party of the Second Part agrees to send to the Secondary Schools of the Party of the First Part and to pay for as hereinafter provided all eligible resident pupils under the Jurisdiction of the Party of the Second Part. The Party of the First Part agrees to admit to any of the Secondary Schools under Its Jurisdiction the said pupils under the same conditions as the pupils of the Party of the First Part.

1 (b). The Party of the Second Part covenants and agrees with the Party of the First Part that It will not, during the period that this agreement remains in force, enter into any agreement with any Board other than the Party of the First Part or other person or persons for the education of Its pupils.

2. The Party of the Second Part will pay the Party of the First Part for the tuition of such pupils a per diem rate calculated in accordance with Sub-Section Two of Section Sixty-Nine of *The Secondary Schools and Boards of Education Act, 1954*.

3. It is understood by and between the Parties hereto that in order to carry out Its obligations under this Contract it will be necessary for the Party of the First Part to expand Its Secondary School facilities and for this purpose to raise considerable capital sums by the issue of debentures. Accordingly, the Party of the First Part covenants and agrees that It will have placed on the ballot at the next Municipal Election in December of 1955 a suitable question by which the ratepayers of the City of Chatham will be asked to express their approval of the issue of debentures in the sum of not more than One Million, Three Hundred and Fifty Thousand, Nine Hundred Dollars (\$1,350,900.00), and for a term of not more than twenty years, for the expansion of Secondary School facilities in the City of Chatham.

4. The Parties hereto mutually covenant and agree that in the event the ratepayers of the City of Chatham should give a negative answer to the question hereinbefore referred to in Paragraph 3 of this Agreement, then this Agreement shall become null and void and of no effect whatsoever.

5. It is further understood and agreed by and between the Parties hereto that this Agreement will have to be ratified by a Special Act of the Legislative Assembly of Ontario and the Parties hereto mutually covenant that in the event the ratepayers of the City of Chatham give an affirmative answer to the question as set out in paragraph three hereof then the Parties hereto will immediately proceed with all possible speed to apply to have such Legislation enacted.

6 (a). The Parties hereto mutually covenant and agree that in the event such Special Act as referred to in Paragraph five hereof is not enacted at any session of the Legislative Assembly of Ontario held in the year 1956 then this Agreement shall become null and void and of no effect whatsoever.

6 (b). The Parties hereto further mutually covenant and agree that in the event the Legislative Assembly of Ontario shall enact Special Legislation in respect of this Agreement but which in the opinion of either of the Parties hereto changes this Agreement in any material manner then such Party may at any time within thirty days of such enactment serve the other Party with a notice declaring this Agreement null and void and upon receipt of such notice the said Agreement shall at once become null and void and of no effect whatsoever.

7. The Parties hereto mutually covenant and agree that in the Legislation referred to in Paragraph five hereof provision shall be made to eliminate the Representative of the County of Kent from the Board of Education for the City of Chatham and for there to be added to the Board of Education for the City of Chatham four additional members, one to be appointed by the Council of the Township of Dover, one to be appointed by the Council of the Township of Harwich, one to be appointed by the Council of the Township of Chatham and one to be appointed by the Council of the Township of Raleigh. Such additional members shall only vote or otherwise take part in any of the proceedings of the Board exclusively affecting Secondary Schools. Such additional members shall be appointed for a term of two years and shall be appointed from the members of the Chatham Suburban District High School Board.

8. This Agreement may be amended from time to time in writing under the seal of both Parties hereto, supported by Resolutions of both Parties hereto, and such amendment shall take effect upon Its execution as if forming part of this Agreement.

9. This Agreement shall come into force on Its Execution by both Parties hereto and unless terminated by mutual consent or by the provisions of Section four or six hereof remain in full force and effect until the final payment of the debentures issued by the Party of the First Part to provide the additional Secondary School facilities contemplated hereunder or any other debentures issued by the Party of the First Part for Secondary School purposes while this Agreement is in force.

10. This Agreement shall remain in force so long as debentures either of the original issue contemplated herein or any subsequent debenture issue remains unpaid and thereafter until terminated by notice given by the Party of the Second Part as hereinafter provided.

11. The Party of the Second Part may provided no debentures remain unpaid give notice in writing to the Party of the First Part stating its intention to terminate this Agreement. Such notice of discontinuance shall set a date for discontinuance not earlier than two school years after the thirtieth day of June next following the date of the notice.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their
Corporate Seals attested by Their Proper Officers thereunto appointed.

FLORENCE COPLEY

(Corporate Seal)

WINNIFRED MILLER

(Corporate Seal)

THE BOARD OF EDUCATION FOR THE
CITY OF CHATHAM:

H. A. TANSER.

ROBERT CAMPBELL,
Chairman.

THE CHATHAM SUBURBAN DISTRICT
HIGH SCHOOL BOARD:

D. C. A. McDONNELL,
Vice-Chairman.

QUINCY L. NIGHSWANDER,
Secretary-Treasurer.

BILL

An Act respecting the Chatham
Board of Education and
the Chatham Suburban
High School District

1st Reading

2nd Reading

3rd Reading

MR. PARRY

(Private Bill)

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

**An Act respecting the Chatham Board of Education
and the Chatham Suburban High School District**

MR. PARRY

(Reprinted as amended by the Committee on Private Bills)



No. 11

1956

BILL

An Act respecting the Chatham Board of Education and the Chatham Suburban High School District

WHEREAS The Board of Education for the City of Preamble
Chatham and The Chatham Suburban District High
School Board by their petition have prayed for special legis-
lation to validate and confirm an agreement dated the 11th
day of October, 1955, as amended by an agreement dated the
10th day of January, 1956, between the said Boards; and
whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The agreement between The Board of Education for the Agreement
City of Chatham and The Chatham Suburban District High validated
School Board dated the 11th day of October, 1955, as amended
and executed by both parties thereto, set forth as the Schedule
hereto, is hereby validated and confirmed and declared to be
legal and binding upon the parties thereto.

2. Notwithstanding *The Secondary Schools and Boards of* Representa-
Education Act, 1954 or any other general or special Act, the tion of Kent
County of Kent shall not be entitled to any representation on County
1954, c. 87
The Board of Education for the City of Chatham so long as
the agreement remains in force.

3. Notwithstanding *The Secondary Schools and Boards of* Representa-
Education Act, 1954 or any other general or special Act, the tion of
councils of the townships of Dover, Harwich, Chatham and townships
Raleigh in the County of Kent shall each be entitled to appoint
one representative to The Board of Education for the City
of Chatham in the manner provided in the agreement so
long as the agreement remains in force.

4.—(1) The Board of Education for the City of Chatham Erection
is hereby empowered to erect, maintain and operate a school of school
or schools on the parcel of land in the Township of Dover
in the County of Kent described in Schedule B hereto and on

one of the parcels of land described in Schedule C hereto in the Township of Raleigh in the County of Kent in the same manner as if the said lands were within the City of Chatham.

Assessment
and
taxation

(2) Notwithstanding subsection 2 of section 58 of *The Schools Administration Act, 1954* or any other Act, on and after the day construction of a school is commenced on any parcel of such land, such parcel of land and the buildings thereon shall be exempt from assessment and taxation except for local improvement and drainage rates.

Effect of
Act
1954,
cc. 87, 86

5. In so far as the provisions hereof alter, vary or conflict with any of the provisions of *The Secondary Schools and Boards of Education Act, 1954*, *The Schools Administration Act, 1954* or any other Act relating to education or the administration of schools, the provisions of this Act prevail.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Chatham and Suburban Secondary Schools Act, 1956*.

SCHEDULE A

AGREEMENT made this Eleventh day of October, A.D. 1955.

BETWEEN:

THE BOARD OF EDUCATION FOR THE CITY OF CHATHAM,
hereinafter called the "Party"

OF THE FIRST PART,

—and—

THE CHATHAM SUBURBAN DISTRICT HIGH SCHOOL
BOARD, hereinafter called the "Party"

OF THE SECOND PART.

WHEREAS it is the duty of the Party of the Second Part to provide adequate accommodation for its pupils;

AND WHEREAS the said Party of the Second Part has been using the schools of the Party of the First Part for this purpose;

AND WHEREAS the Secondary Schools operated by the Party of the First Part have become overcrowded and in order to accommodate the pupils of the Parties it is necessary to build additional secondary school facilities;

AND WHEREAS the Parties hereto are desirous of entering into an equitable arrangement by which it will be possible for the pupils of both Parties to be provided with adequate secondary school accommodation;

AND WHEREAS to provide such accommodation it will be necessary for the Party of the First Part to expand Its facilities and incur heavy capital expenditures.

NOW THIS INDENTURE WITNESSETH:—

1 (a). The Party of the Second Part agrees to send to the Secondary Schools of the Party of the First Part and to pay for as hereinafter provided all eligible resident pupils under the Jurisdiction of the Party of the Second Part. The Party of the First Part agrees to admit to any of the Secondary Schools under Its Jurisdiction the said pupils under the same conditions as the pupils of the Party of the First Part.

1 (b). The Party of the Second Part covenants and agrees with the Party of the First Part that It will not, during the period that this agreement remains in force, enter into any agreement with any Board other than the Party of the First Part or other person or persons for the education of Its pupils.

2. The Party of the Second Part will pay the Party of the First Part for the tuition of such pupils a per diem rate calculated in accordance with Sub-Section Two of Section Sixty-Nine of *The Secondary Schools and Boards of Education Act, 1954*.

3. It is understood by and between the Parties hereto that in order to carry out Its obligations under this Contract it will be necessary for the Party of the First Part to expand Its Secondary School facilities and for this purpose to raise considerable capital sums by the issue of debentures. Accordingly, the Party of the First Part covenants and agrees that It will have placed on the ballot at the next Municipal Election in December of 1955 a suitable question by which the ratepayers of the City of Chatham will be asked to express their approval of the issue of debentures in the sum of not more than One Million, Three Hundred and Fifty Thousand, Nine Hundred Dollars (\$1,350,900.00), and for a term of not more than twenty years, for the expansion of Secondary School facilities in the City of Chatham.

4. The Parties hereto mutually covenant and agree that in the event the ratepayers of the City of Chatham should give a negative answer to the question hereinbefore referred to in Paragraph 3 of this Agreement, then this Agreement shall become null and void and of no effect whatsoever.

5. It is further understood and agreed by and between the Parties hereto that this Agreement will have to be ratified by a Special Act of the Legislative Assembly of Ontario and the Parties hereto mutually covenant that in the event the ratepayers of the City of Chatham give an affirmative answer to the question as set out in paragraph three hereof then the Parties hereto will immediately proceed with all possible speed to apply to have such Legislation enacted.

6 (a). The Parties hereto mutually covenant and agree that in the event such Special Act as referred to in Paragraph five hereof is not enacted at any session of the Legislative Assembly of Ontario held in the year 1956 then this Agreement shall become null and void and of no effect whatsoever.

6 (b). The Parties hereto further mutually covenant and agree that in the event the Legislative Assembly of Ontario shall enact Special Legislation in respect of this Agreement but which in the opinion of either of the Parties hereto changes this Agreement in any material manner then such Party may at any time within thirty days of such enactment serve the other Party with a notice declaring this Agreement null and void and upon receipt of such notice the said Agreement shall at once become null and void and of no effect whatsoever.

7. The Parties hereto mutually covenant and agree that in the Legislation referred to in Paragraph five hereof provision shall be made to eliminate the Representative of the County of Kent from the Board of Education for the City of Chatham and for there to be added to the Board of Education for the City of Chatham four additional members, one to be appointed by the Council of the Township of Dover, one to be appointed by the Council of the Township of Harwich, one to be appointed by the Council of the Township of Chatham and one to be appointed by the Council of the Township of Raleigh. Such additional members shall only vote or otherwise take part in any of the proceedings of the Board exclusively affecting Secondary Schools. Such additional members shall be appointed for a term of two years and shall be appointed from the members of the Chatham Suburban District High School Board.

8. This Agreement may be amended from time to time in writing under the seal of both Parties hereto, supported by Resolutions of both Parties hereto, and such amendment shall take effect upon Its execution as if forming part of this Agreement.

9. This Agreement shall come into force on Its Execution by both Parties hereto and unless terminated by mutual consent or by the provisions of Section four or six hereof remain in full force and effect until the final payment of the debentures issued by the Party of the First Part to provide the additional Secondary School facilities contemplated hereunder or any other debentures issued by the Party of the First Part for Secondary School purposes while this Agreement is in force.

10. This Agreement shall remain in force so long as debentures either of the original issue contemplated herein or any subsequent debenture issue remains unpaid and thereafter until terminated by notice given by the Party of the Second Part as hereinafter provided.

11. The Party of the Second Part may provided no debentures remain unpaid give notice in writing to the Party of the First Part stating its intention to terminate this Agreement. Such notice of discontinuance shall set a date for discontinuance not earlier than two school years after the thirtieth day of June next following the date of the notice.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their Corporate Seals attested by Their Proper Officers thereunto appointed.

FLORENCE COPLEY

(Corporate Seal)

WINNIFRED MILLER

(Corporate Seal)

THE BOARD OF EDUCATION FOR THE
CITY OF CHATHAM:

H. A. TANSER.

ROBERT CAMPBELL,
Chairman.

THE CHATHAM SUBURBAN DISTRICT
HIGH SCHOOL BOARD:

D. C. A. McDONNELL,
Vice-Chairman.

QUINCY L. NIGHSWANDER,
Secretary-Treasurer.

SCHEDULE B

ALL AND SINGULAR that certain parcel or tract of land, situate, lying and being in the Township of Dover, County of Kent and Province of Ontario, being composed of Part of Lot 18, Registered Plan 412 in the said Township and being more particularly described as follows:

COMMENCING at the most southerly angle of said Lot 18;

Thence northwesterly along the southwesterly limit of said Lot seven hundred and fifty-two and eighty-four one-hundredths feet (752.84');

Thence northeasterly parallel with the southeasterly limit of said Lot eight hundred and sixty-seven and ninety-one one-hundredths feet (867.91');

Thence southeasterly parallel with the southwesterly limit of said Lot seven hundred and fifty-two and eighty-four one-hundredths feet (752.84') to the southeasterly limit of said Lot;

Thence southwesterly along the southeasterly limit of said Lot eight hundred and sixty-seven and ninety-one one-hundredths feet (867.91') more or less to the point of commencement.

Containing by admeasurement 15 acres more or less.


SCHEDULE C

First Parcel

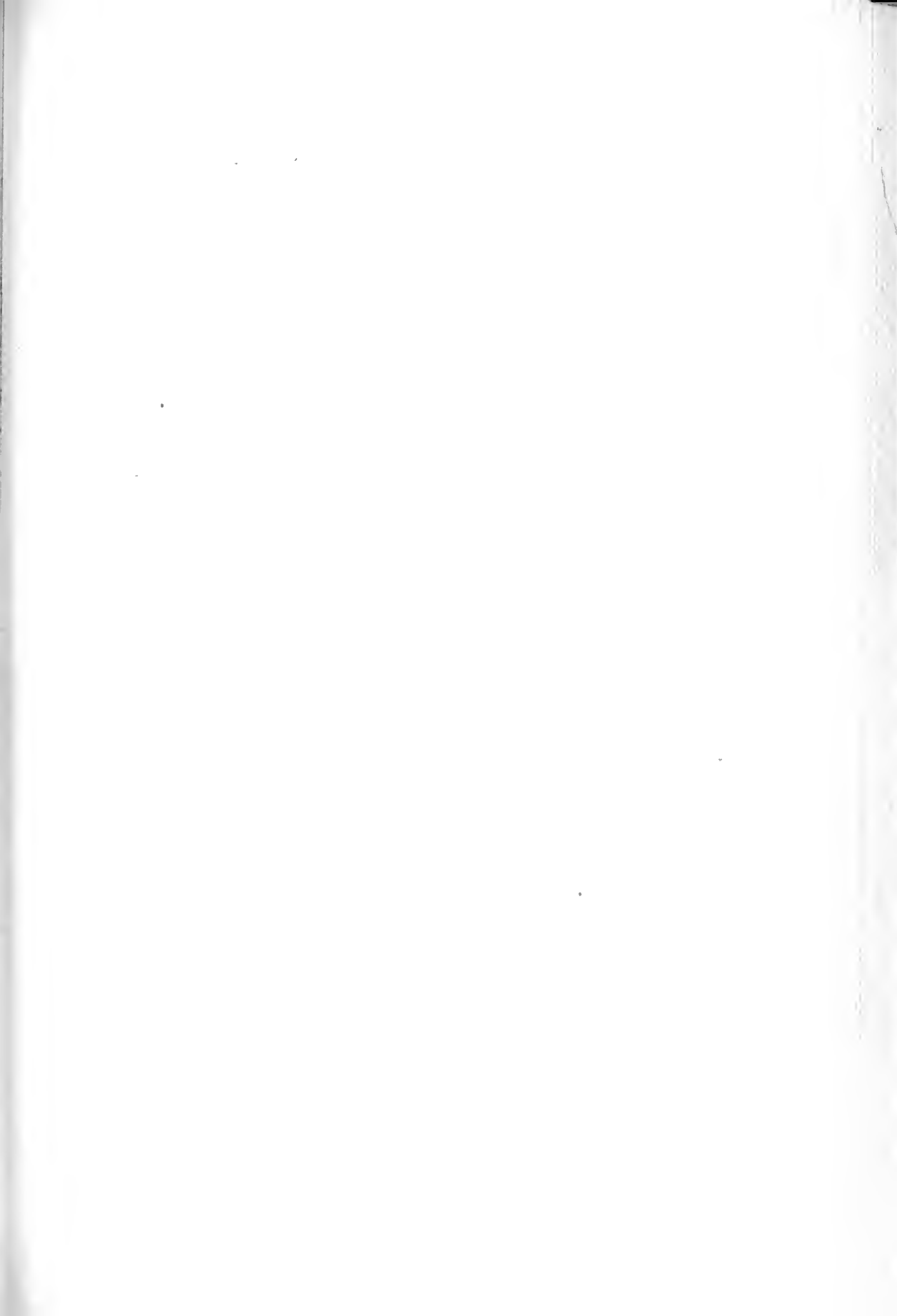
ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Raleigh, County of Kent, Province of Ontario, and being composed of part of Lot Twenty-three (23), Concession 2, E.B., in the Township of Raleigh, containing fifteen (15) acres more particularly described as COMMENCING at the point of intersection of the southeast limit of said Lot Twenty-three (23) being the northwest limit of the road allowance between Concessions Two and Three and the southwest limit of Lot Seventeen (17), Plan 522; Thence southwesterly along said road allowance to the centre of the Creek known as Mud Creek Drain; Thence in a northwesterly direction along the centre of said Drain to a point where a line drawn parallel with said road allowance in a northeasterly direction to said Plan Number 522 would enclose exactly fifteen (15) acres.

Second Parcel

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Raleigh, County of Kent, Province of Ontario, COMMENCING 750 feet from the northwest corner of the north half of Lot No. 22, Concession 2, E.B., for the Township of Raleigh and 924 feet from Park Avenue along the westerly side of the herein described Lot, except for a road allowance of 60 feet wide where the property touches the Mud Creek Drain, a distance of about 180 feet on the southeast corner of said area. It is further understood by and between the parties hereto that this area does not cross the Mud Creek Drain.







BILL

An Act respecting the Chatham
Board of Education and
the Chatham Suburban
High School District

1st Reading

February 9th, 1956

2nd Reading

3rd Reading

MR. PARRY

(Reprinted as amended by the
Committee on Private Bills)

No. 11

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

**An Act respecting the Chatham Board of Education
and the Chatham Suburban High School District**

MR. PARRY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Chatham Board of Education and the Chatham Suburban High School District

WHEREAS The Board of Education for the City of ^{Preamble} Chatham and The Chatham Suburban District High School Board by their petition have prayed for special legislation to validate and confirm an agreement dated the 11th day of October, 1955, as amended by an agreement dated the 10th day of January, 1956, between the said Boards; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement between The Board of Education for the ^{Agreement} City of Chatham and The Chatham Suburban District High ^{validated} School Board dated the 11th day of October, 1955, as amended and executed by both parties thereto, set forth as the Schedule hereto, is hereby validated and confirmed and declared to be legal and binding upon the parties thereto.

2. Notwithstanding *The Secondary Schools and Boards of* ^{Representa-} *Education Act, 1954* or any other general or special Act, the ^{tion of Kent} County of Kent shall not be entitled to any representation on ^{County} ^{1954, c. 87} The Board of Education for the City of Chatham so long as the agreement remains in force.

3. Notwithstanding *The Secondary Schools and Boards of* ^{Representa-} *Education Act, 1954* or any other general or special Act, the ^{tion of} councils of the townships of Dover, Harwich, Chatham and ^{townships} Raleigh in the County of Kent shall each be entitled to appoint one representative to The Board of Education for the City of Chatham in the manner provided in the agreement so long as the agreement remains in force.

4.—(1) The Board of Education for the City of Chatham ^{Erection} is hereby empowered to erect, maintain and operate a school ^{of school} or schools on the parcel of land in the Township of Dover in the County of Kent described in Schedule B hereto and on

one of the parcels of land described in Schedule C hereto in the Township of Raleigh in the County of Kent in the same manner as if the said lands were within the City of Chatham.

Assessment
and
taxation

(2) Notwithstanding subsection 2 of section 58 of *The Schools Administration Act, 1954* or any other Act, on and after the day construction of a school is commenced on any parcel of such land, such parcel of land and the buildings thereon shall be exempt from assessment and taxation except for local improvement and drainage rates.

Effect of
Act
1954,
cc. 87, 86

5. In so far as the provisions hereof alter, vary or conflict with any of the provisions of *The Secondary Schools and Boards of Education Act, 1954*, *The Schools Administration Act, 1954* or any other Act relating to education or the administration of schools, the provisions of this Act prevail.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Chatham and Suburban Secondary Schools Act, 1956*.

SCHEDULE A

AGREEMENT made this Eleventh day of October, A.D. 1955.

BETWEEN:

THE BOARD OF EDUCATION FOR THE CITY OF CHATHAM,
hereinafter called the "Party"

OF THE FIRST PART,

—and—

THE CHATHAM SUBURBAN DISTRICT HIGH SCHOOL
BOARD, hereinafter called the "Party"

OF THE SECOND PART.

WHEREAS it is the duty of the Party of the Second Part to provide adequate accommodation for its pupils;

AND WHEREAS the said Party of the Second Part has been using the schools of the Party of the First Part for this purpose;

AND WHEREAS the Secondary Schools operated by the Party of the First Part have become overcrowded and in order to accommodate the pupils of the Parties it is necessary to build additional secondary school facilities;

AND WHEREAS the Parties hereto are desirous of entering into an equitable arrangement by which it will be possible for the pupils of both Parties to be provided with adequate secondary school accommodation;

AND WHEREAS to provide such accommodation it will be necessary for the Party of the First Part to expand Its facilities and incur heavy capital expenditures.

NOW THIS INDENTURE WITNESSETH:—

1 (a). The Party of the Second Part agrees to send to the Secondary Schools of the Party of the First Part and to pay for as hereinafter provided all eligible resident pupils under the Jurisdiction of the Party of the Second Part. The Party of the First Part agrees to admit to any of the Secondary Schools under Its Jurisdiction the said pupils under the same conditions as the pupils of the Party of the First Part.

1 (b). The Party of the Second Part covenants and agrees with the Party of the First Part that It will not, during the period that this agreement remains in force, enter into any agreement with any Board other than the Party of the First Part or other person or persons for the education of Its pupils.

2. The Party of the Second Part will pay the Party of the First Part for the tuition of such pupils a per diem rate calculated in accordance with Sub-Section Two of Section Sixty-Nine of *The Secondary Schools and Boards of Education Act, 1954*.

3. It is understood by and between the Parties hereto that in order to carry out Its obligations under this Contract it will be necessary for the Party of the First Part to expand Its Secondary School facilities and for this purpose to raise considerable capital sums by the issue of debentures. Accordingly, the Party of the First Part covenants and agrees that It will have placed on the ballot at the next Municipal Election in December of 1955 a suitable question by which the ratepayers of the City of Chatham will be asked to express their approval of the issue of debentures in the sum of not more than One Million, Three Hundred and Fifty Thousand, Nine Hundred Dollars (\$1,350,900.00), and for a term of not more than twenty years, for the expansion of Secondary School facilities in the City of Chatham.

4. The Parties hereto mutually covenant and agree that in the event the ratepayers of the City of Chatham should give a negative answer to the question hereinbefore referred to in Paragraph 3 of this Agreement, then this Agreement shall become null and void and of no effect whatsoever.

5. It is further understood and agreed by and between the Parties hereto that this Agreement will have to be ratified by a Special Act of the Legislative Assembly of Ontario and the Parties hereto mutually covenant that in the event the ratepayers of the City of Chatham give an affirmative answer to the question as set out in paragraph three hereof then the Parties hereto will immediately proceed with all possible speed to apply to have such Legislation enacted.

6 (a). The Parties hereto mutually covenant and agree that in the event such Special Act as referred to in Paragraph five hereof is not enacted at any session of the Legislative Assembly of Ontario held in the year 1956 then this Agreement shall become null and void and of no effect whatsoever.

6 (b). The Parties hereto further mutually covenant and agree that in the event the Legislative Assembly of Ontario shall enact Special Legislation in respect of this Agreement but which in the opinion of either of the Parties hereto changes this Agreement in any material manner then such Party may at any time within thirty days of such enactment serve the other Party with a notice declaring this Agreement null and void and upon receipt of such notice the said Agreement shall at once become null and void and of no effect whatsoever.

7. The Parties hereto mutually covenant and agree that in the Legislation referred to in Paragraph five hereof provision shall be made to eliminate the Representative of the County of Kent from the Board of Education for the City of Chatham and for there to be added to the Board of Education for the City of Chatham four additional members, one to be appointed by the Council of the Township of Dover, one to be appointed by the Council of the Township of Harwich, one to be appointed by the Council of the Township of Chatham and one to be appointed by the Council of the Township of Raleigh. Such additional members shall only vote or otherwise take part in any of the proceedings of the Board exclusively affecting Secondary Schools. Such additional members shall be appointed for a term of two years and shall be appointed from the members of the Chatham Suburban District High School Board.

8. This Agreement may be amended from time to time in writing under the seal of both Parties hereto, supported by Resolutions of both Parties hereto, and such amendment shall take effect upon Its execution as if forming part of this Agreement.

9. This Agreement shall come into force on Its Execution by both Parties hereto and unless terminated by mutual consent or by the provisions of Section four or six hereof remain in full force and effect until the final payment of the debentures issued by the Party of the First Part to provide the additional Secondary School facilities contemplated hereunder or any other debentures issued by the Party of the First Part for Secondary School purposes while this Agreement is in force.

10. This Agreement shall remain in force so long as debentures either of the original issue contemplated herein or any subsequent debenture issue remains unpaid and thereafter until terminated by notice given by the Party of the Second Part as hereinafter provided.

11. The Party of the Second Part may provided no debentures remain unpaid give notice in writing to the Party of the First Part stating its intention to terminate this Agreement. Such notice of discontinuance shall set a date for discontinuance not earlier than two school years after the thirtieth day of June next following the date of the notice.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their Corporate Seals attested by Their Proper Officers thereunto appointed.

FLORENCE COPLEY

(Corporate Seal)

WINNIFRED MILLER

(Corporate Seal)

THE BOARD OF EDUCATION FOR THE
CITY OF CHATHAM:

H. A. TANSER.

ROBERT CAMPBELL,
Chairman.

THE CHATHAM SUBURBAN DISTRICT
HIGH SCHOOL BOARD:

D. C. A. McDONNELL,
Vice-Chairman.

QUINCY L. NIGHSWANDER,
Secretary-Treasurer.

SCHEDULE B

ALL AND SINGULAR that certain parcel or tract of land, situate, lying and being in the Township of Dover, County of Kent and Province of Ontario, being composed of Part of Lot 18, Registered Plan 412 in the said Township and being more particularly described as follows:

COMMENCING at the most southerly angle of said Lot 18;

Thence northwesterly along the southwesterly limit of said Lot seven hundred and fifty-two and eighty-four one-hundredths feet (752.84');

Thence northeasterly parallel with the southeasterly limit of said Lot eight hundred and sixty-seven and ninety-one one-hundredths feet (867.91');

Thence southeasterly parallel with the southwesterly limit of said Lot seven hundred and fifty-two and eighty-four one-hundredths feet (752.84') to the southeasterly limit of said Lot;

Thence southwesterly along the southeasterly limit of said Lot eight hundred and sixty-seven and ninety-one one-hundredths feet (867.91') more or less to the point of commencement.

Containing by admeasurement 15 acres more or less.

SCHEDULE C

First Parcel

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Raleigh, County of Kent, Province of Ontario, and being composed of part of Lot Twenty-three (23), Concession 2, E.B., in the Township of Raleigh, containing fifteen (15) acres more particularly described as COMMENCING at the point of intersection of the southeast limit of said Lot Twenty-three (23) being the northwest limit of the road allowance between Concessions Two and Three and the southwest limit of Lot Seventeen (17), Plan 522; Thence southwesterly along said road allowance to the centre of the Creek known as Mud Creek Drain; Thence in a northwesterly direction along the centre of said Drain to a point where a line drawn parallel with said road allowance in a northeasterly direction to said Plan Number 522 would enclose exactly fifteen (15) acres.

Second Parcel

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Raleigh, County of Kent, Province of Ontario, COMMENCING 750 feet from the northwest corner of the north half of Lot No. 22, Concession 2, E.B., for the Township of Raleigh and 924 feet from Park Avenue along the westerly side of the herein described Lot, except for a road allowance of 60 feet wide where the property touches the Mud Creek Drain, a distance of about 180 feet on the southeast corner of said area. It is further understood by and between the parties hereto that this area does not cross the Mud Creek Drain.

BILL

An Act respecting the Chatham
Board of Education and
the Chatham Suburban
High School District

1st Reading

February 9th, 1956

2nd Reading

February 24th, 1956

3rd Reading

February 28th, 1956

MR. PARRY

No. 12

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the Town of Timmins

MR. SPOONER

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 12

1956

BILL

An Act respecting the Town of Timmins

WHEREAS The Corporation of the Town of Timmins, Preamble
hereinafter called the Corporation, by its petition has represented that the bus service for the Town of Timmins is presently being operated by John Dalton, Jr. under an agreement with the Corporation entered into on the 27th day of August, 1955; and that it is a term of the said agreement that either party thereto may cancel the same on three months notice to the other party; and that in view of the experiences of the Corporation in the past it is essential that it be able to operate a municipally-owned bus service if that becomes necessary; and whereas the Corporation has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation may establish, by purchase or otherwise, a municipally-owned bus transportation system in the Town of Timmins and may own real and personal property for use in connection therewith. Establishment of bus system

2. Subject to the approval of the Ontario Municipal Board, the Corporation may issue debentures, without the assent of the electors, for the purposes mentioned section 1. Debentures

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Town of Timmins Act, 1956*. Short title

BILL

An Act respecting the
Town of Timmins

1st Reading

2nd Reading

3rd Reading

MR. SPOONER

(Private Bill)

No. 12

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the Town of Timmins

MR. SPOONER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 12

1956

BILL

An Act respecting the Town of Timmins

WHEREAS The Corporation of the Town of Timmins, Preamble
hereinafter called the Corporation, by its petition has represented that the bus service for the Town of Timmins is presently being operated by John Dalton, Jr. under an agreement with the Corporation entered into on the 27th day of August, 1955; and that it is a term of the said agreement that either party thereto may cancel the same on three months notice to the other party; and that in view of the experiences of the Corporation in the past it is essential that it be able to operate a municipally-owned bus service if that becomes necessary; and whereas the Corporation has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation may establish, by purchase or otherwise, a municipally-owned bus transportation system in the Establishment of bus system Town of Timmins and may own real and personal property for use in connection therewith.

2. Subject to the approval of the Ontario Municipal Board, Debentures the Corporation may issue debentures, without the assent of the electors, for the purposes mentioned section 1.

3. This Act comes into force on the day it receives Royal Commencement Assent.

4. This Act may be cited as *The Town of Timmins Act, 1956*. Short title

BILL

An Act respecting the
Town of Timmins

1st Reading

February 16th, 1956

2nd Reading

February 24th, 1956

3rd Reading

March 14th, 1956

MR. SPOONER

No. 13

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act respecting
the City of Niagara Falls

Mr. JOLLEY

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 13

1956

BILL

An Act respecting the City of Niagara Falls

WHEREAS The Corporation of the City of Niagara Falls ^{Preamble}
by its petition has prayed for special legislation in
respect of the matter hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The agreement made between The Corporation of the ^{Agreement}
City of Niagara Falls, The Corporation of the Township of ^{validated}
Stamford and The Corporation of the Village of Chippawa,
dated the 18th day of January, 1956, set forth as the Schedule
hereto, is hereby validated and confirmed and declared to be
legal, valid and binding upon the parties thereto, and The
Corporation of the City of Niagara Falls, The Corporation of
the Township of Stamford and The Corporation of the Village
of Chippawa are hereby empowered to pass all necessary by-
laws and do all other acts, matters and things as may be
deemed necessary by the parties for the full and proper
carrying out of the provisions thereof.

2. This Act comes into force on the day it receives Royal ^{Commence-}
Assent. ^{ment}

3. This Act may be cited as *The City of Niagara Falls Act*, ^{Short title}
1956.

SCHEDULE

MEMORANDUM OF AGREEMENT made in triplicate this 18th day of January, 1956.

BETWEEN:

THE CORPORATION OF THE CITY OF NIAGARA FALLS,
(hereinafter called the City),

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF STAMFORD,
(hereinafter called the Township),

OF THE SECOND PART,

—and—

THE CORPORATION OF THE VILLAGE OF CHIPPAWA,
(hereinafter called the Village),

OF THE THIRD PART.

WHEREAS it has become necessary to build a new General Hospital for the Greater Niagara Area;

AND WHEREAS the City has agreed to furnish a contribution to the Greater Niagara General Hospital of \$818,000.00 and the Township has agreed to furnish a contribution to the Greater Niagara General Hospital of \$805,000.00 and the Village has agreed to furnish a contribution to the Greater Niagara General Hospital of \$77,000.00 for the construction of the proposed new hospital in accordance with the plans of the Greater Niagara General Hospital upon and subject to the terms hereinafter contained;

AND WHEREAS the City, Township and Village have agreed to raise the contributions above mentioned by the sale of debentures payable over a twenty-year period and have agreed among themselves to adjust the amount to be raised by each municipality in each year during the lifetime of the debentures upon the basis of the original apportionment and as hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the premises, the parties hereto mutually covenant and agree each with the other of them as follows:

1. The City shall raise the sum of \$818,000.00, the Township shall raise the sum of \$805,000.00 and the Village shall raise the sum of \$77,000.00 and contribute the same to the Greater Niagara General Hospital for the construction of a new hospital upon a site at Poplar Park in the City of Niagara Falls now owned by the Greater Niagara General Hospital.

2. While the amounts determined in Paragraph 1 hereof for each municipality are determined 50 per cent on a 1955 assessment basis including an adjustment allocation under Section 51a of *The Assessment Act* for buildings constructed during 1955 and 50 per cent on a population basis for the 1955 population, it is understood and agreed that each year during the years 1957 to 1976 inclusive, or during the estimated lifetime of the debentures to be sold by the municipalities, an adjustment shall be made by the Fifteenth of February in each year between the three parties hereto to adjust the amount to be raised by each municipality for each of the said years so that each municipality shall be required to raise its own proportion of the amount required to retire the total debentures issued by the three municipalities on the basis of that year's revised

assessment and population and if during the said period, the share of any of the three municipalities is increased as a result of such calculations based 50 per cent on revised assessment and 50 per cent on population, the municipality whose share is so increased shall contribute the amount by which that municipality's share is increased to the other municipalities whose shares are reduced in accordance with the amount of the reduction in each case.

3. It is the intention of this agreement that while the municipalities concerned are raising the money by the sale of debentures in the proportions above stated, that during the next twenty years while the obligations incurred by the said municipalities under the said debentures are being raised by taxes that the monies required for payment of the said debentures shall be raised in the proportions above mentioned each year being 50 per cent on an amended assessment basis and 50 per cent on a population basis by each of the municipalities concerned.

4. It is understood and agreed that each of the parties hereto will support an application for a Special Act to approve and validate this agreement.

IN WITNESS WHEREOF THE PARTIES hereto have hereunto set their Corporate Seals duly attested by their proper officers in that behalf.

M. MALLET (Seal) City of Niagara Falls, Ontario.	THE CORPORATION OF THE CITY OF NIAGARA FALLS ERNEST M. HAWKINS, <i>Mayor.</i> D. C. PATTEN, <i>Clerk.</i>
MARY L. ADAMS (Seal) Township of Stamford.	THE CORPORATION OF THE TOWNSHIP OF STAMFORD A. G. BRIDGE, <i>Reeve.</i> A. C. HUGGINS, <i>Clerk.</i>
J. L. COLLINSON (Seal) Village of Chippawa.	THE CORPORATION OF THE VILLAGE OF CHIPPAWA GEORGE BUKATOR, <i>Reeve.</i> ROBERT T. N. CALLAN, <i>Clerk.</i>



BILL
An Act respecting the
City of Niagara Falls

1st Reading

2nd Reading

3rd Reading

MR. JOLLEY

(*Private Bill*)

No. 13

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act respecting
the City of Niagara Falls

MR. JOLLEY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 13

1956

BILL

An Act respecting the City of Niagara Falls

WHEREAS The Corporation of the City of Niagara Falls ^{Preamble} by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement made between The Corporation of the ^{Agreement} City of Niagara Falls, The Corporation of the Township of ^{validated} Stamford and The Corporation of the Village of Chippawa, dated the 18th day of January, 1956, set forth as the Schedule hereto, is hereby validated and confirmed and declared to be legal, valid and binding upon the parties thereto, and The Corporation of the City of Niagara Falls, The Corporation of the Township of Stamford and The Corporation of the Village of Chippawa are hereby empowered to pass all necessary by-laws and do all other acts, matters and things as may be deemed necessary by the parties for the full and proper carrying out of the provisions thereof.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The City of Niagara Falls Act*, ^{Short title} 1956.

SCHEDULE

MEMORANDUM OF AGREEMENT made in triplicate this 18th day of January, 1956.

BETWEEN:

THE CORPORATION OF THE CITY OF NIAGARA FALLS,
(hereinafter called the City),

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF STAMFORD,
(hereinafter called the Township),

OF THE SECOND PART,

—and—

THE CORPORATION OF THE VILLAGE OF CHIPPAWA,
(hereinafter called the Village),

OF THE THIRD PART.

WHEREAS it has become necessary to build a new General Hospital for the Greater Niagara Area;

AND WHEREAS the City has agreed to furnish a contribution to the Greater Niagara General Hospital of \$818,000.00 and the Township has agreed to furnish a contribution to the Greater Niagara General Hospital of \$805,000.00 and the Village has agreed to furnish a contribution to the Greater Niagara General Hospital of \$77,000.00 for the construction of the proposed new hospital in accordance with the plans of the Greater Niagara General Hospital upon and subject to the terms hereinafter contained;

AND WHEREAS the City, Township and Village have agreed to raise the contributions above mentioned by the sale of debentures payable over a twenty-year period and have agreed among themselves to adjust the amount to be raised by each municipality in each year during the lifetime of the debentures upon the basis of the original apportionment and as hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the premises, the parties hereto mutually covenant and agree each with the other of them as follows:

1. The City shall raise the sum of \$818,000.00, the Township shall raise the sum of \$805,000.00 and the Village shall raise the sum of \$77,000.00 and contribute the same to the Greater Niagara General Hospital for the construction of a new hospital upon a site at Poplar Park in the City of Niagara Falls now owned by the Greater Niagara General Hospital.

2. While the amounts determined in Paragraph 1 hereof for each municipality are determined 50 per cent on a 1955 assessment basis including an adjustment allocation under Section 51a of *The Assessment Act* for buildings constructed during 1955 and 50 per cent on a population basis for the 1955 population, it is understood and agreed that each year during the years 1957 to 1976 inclusive, or during the estimated lifetime of the debentures to be sold by the municipalities, an adjustment shall be made by the Fifteenth of February in each year between the three parties hereto to adjust the amount to be raised by each municipality for each of the said years so that each municipality shall be required to raise its own proportion of the amount required to retire the total debentures issued by the three municipalities on the basis of that year's revised

assessment and population and if during the said period, the share of any of the three municipalities is increased as a result of such calculations based 50 per cent on revised assessment and 50 per cent on population, the municipality whose share is so increased shall contribute the amount by which that municipality's share is increased to the other municipalities whose shares are reduced in accordance with the amount of the reduction in each case.

3. It is the intention of this agreement that while the municipalities concerned are raising the money by the sale of debentures in the proportions above stated, that during the next twenty years while the obligations incurred by the said municipalities under the said debentures are being raised by taxes that the monies required for payment of the said debentures shall be raised in the proportions above mentioned each year being 50 per cent on an amended assessment basis and 50 per cent on a population basis by each of the municipalities concerned.

4. It is understood and agreed that each of the parties hereto will support an application for a Special Act to approve and validate this agreement.

IN WITNESS WHEREOF THE PARTIES hereto have hereunto set their Corporate Seals duly attested by their proper officers in that behalf.

<p>M. MALLET</p> <p>(Seal)</p> <p>City of Niagara Falls, Ontario.</p>	<p>THE CORPORATION OF THE CITY OF NIAGARA FALLS</p> <p>ERNEST M. HAWKINS, <i>Mayor.</i></p> <p>D. C. PATTEN, <i>Clerk.</i></p>
<p>MARY L. ADAMS</p> <p>(Seal)</p> <p>Township of Stamford.</p>	<p>THE CORPORATION OF THE TOWNSHIP OF STAMFORD</p> <p>A. G. BRIDGE, <i>Reeve.</i></p> <p>A. C. HUGGINS, <i>Clerk.</i></p>
<p>J. L. COLLINSON</p> <p>(Seal)</p> <p>Village of Chippawa.</p>	<p>THE CORPORATION OF THE VILLAGE OF CHIPPAWA</p> <p>GEORGE BUKATOR, <i>Reeve.</i></p> <p>ROBERT T. N. CALLAN, <i>Clerk.</i></p>



BILL

An Act respecting the
City of Niagara Falls

1st Reading

February 16th, 1956

2nd Reading

February 24th, 1956

3rd Reading

February 28th, 1956

MR. JOLLEY

No. 14

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the City of London

MR. ROBARTS

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 14

1956

BILL

An Act respecting the City of London

WHEREAS The Corporation of the City of London by Preamble
its petition has prayed for special legislation in respect
of the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) The Corporation of the City of London is authorized City
and empowered to carry out the terms of an agreement, authorized
bearing date the 10th day of January, 1955, between the to carry out
Corporation and The London & Port Stanley Railway Com- agreement
pany, which agreement is set forth in the Schedule hereto.

(2) All lands and premises of The London & Port Stanley Lands of
Railway Company are hereby vested in The Corporation of L. & P.S.
the City of London as provided in the said agreement as Rlwy. vested
effectually as if the same were granted, transferred and in City
conveyed by deed duly registered under the provisions of
The Registry Act.

R.S.O. 1950,
c. 336

2. The Corporation of the City of London, The Public Agreement
Utilities Commission of the City of London and Upper re water
Thames River Conservation Authority are authorized and from
empowered to enter into and carry out the terms of an agree- Fanshawe
ment to provide for the withdrawal of water from Lake
to provide for the purposes of the Corporation and the authorized
Commission in their sale and distribution of water throughout
the City of London and those portions of the townships of
London and Westminster which may at any time be served,
including the right to provide for the erection of a filtration
plant and lease of the necessary land therefor, and to provide
for such other matters as may be required to carry out the
intent of this section.

3. The Corporation of the City of London is hereby Agreement
authorized and empowered to enter into an agreement upon re ambulance
such terms and conditions as the council of the Corporation service
authorized

may consider proper to provide and pay for an ambulance service within the City of London.

Tax
exemption
authorized

R.S.O. 1950,
c. 215

4. The council of the Corporation is hereby authorized and empowered to pass a by-law or by-laws to exempt from municipal taxation the lands and buildings owned or occupied by Western Fair Association which are used for exhibition purposes, provided such exemption shall not extend to such taxes or rates as may be levied under *The Local Improvement Act* or to business taxes which may or might otherwise be levied in respect of such lands and premises when not in use for exhibition purposes.

Cleaning
of buildings
by sand

5. The council of the Corporation is hereby authorized and empowered to pass by-laws licensing and regulating the cleaning of the exterior of buildings by any method or combination of methods, including grinding, sand-blasting or by any method using sand.

Installation
of plumbing

6.—(1) The council of the Corporation may pass by-laws requiring that no plumbing may be installed or altered within the City of London until a permit has been obtained therefor, which permit may be issued by such authority as the council may by by-law provide, and such by-law may require the filing with such authority such information as may be thereby required and may provide for the payment of such fee as the council may determine.

Plumbing
Inspector,
authority
under
R.S.O. 1950,
c. 306

(2) The Plumbing Inspector of the City of London shall be an inspector having authority within the City of London for the purposes of any of the provisions of *The Public Health Act* or any regulations passed thereunder.

1931, c. 107,
s. 9,
re-enacted

7.—(1) Section 9 of *The City of London Act, 1931* is repealed and the following substituted therefor:

Municipal
golf courses

9. The Public Utilities Commission of the City of London may from time to time with the consent of the council of the Corporation acquire by purchase, lease or otherwise such land or lands within ten miles of the City as the Commission may deem necessary or expedient, and may improve and develop the same for use as a municipal golf course or municipal golf courses, and may maintain, manage, operate and control the same from time to time as a municipal golf course or courses.

1951, c. 107,
s. 12,
amended

8. Section 12 of *The City of London Act, 1951* is amended by adding thereto the following subsection:

- (2) Every action brought against the Commission shall be tried as if the same were an action against a municipal corporation for damages in respect of injuries sustained by reason of default of a municipal corporation in the keeping in repair of a highway. Actions against Commission

9. Section 6 of *The City of London Act, 1955* is amended by adding thereto the following subsection: 1955, c. 104, s. 6, amended

- (2) The Corporation and Covent Garden Building Association may by agreement alter and amend the Agreement to vary or extend the time within which anything is to be done pursuant to the terms of the Agreement. Power to amend agreement

10.—(1) Whenever a by-law is passed by the council of The Corporation of the City of London under any of the powers given to it by any special Act, the provisions of sections 492 and 493 of *The Municipal Act* are declared to be and to have been applicable thereto. Application of R.S.O. 1950, c. 243, ss. 492, 493

- (2) The whole of any penalty recovered in any prosecution under any of the said by-laws shall belong to the Corporation. Penalties to City

11.—(1) The council of The Corporation of the City of London is hereby authorized and empowered to pass a by-law consolidating a by-law passed on the 3rd day of October, 1949, as No. CP-65-233 and the amendments made thereto. Consolidation of by-law authorized

- (2) The provisions of the consolidating by-law shall be effective and binding as if they had been enacted and passed on the date of their original enactment by the said By-law No. CP-65-233 and the date of the original enactment of the several amendments thereto. Effective date

12. This Act comes into force on the day it receives Royal Assent. Commencement

13. This Act may be cited as *The City of London Act, 1956*. Short title

SCHEDULE

THIS AGREEMENT made (in duplicate) the Tenth day of January, in the year of our Lord one thousand nine hundred and fifty-five.

BETWEEN:

THE LONDON AND PORT STANLEY RAILWAY COMPANY,
hereinafter called the "Vendor",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE CITY OF LONDON, hereinafter
called the "Purchaser",

OF THE SECOND PART.

WHEREAS the Vendor is the owner of the Railway right-of-way and other miscellaneous assets used for the purposes of and in connection with The London and Port Stanley Railway, subject to outstanding bonds and to the terms and provisions of a lease bearing date the Twenty-eighth day of November, 1913, whereby the Vendor leased unto the Purchaser the railway right-of-way and other miscellaneous assets used in conjunction with the London and Port Stanley Railway as were the property of and in possession of the Vendor, for the term of ninety-nine years from the First day of January, 1914;

AND WHEREAS the Purchaser is the owner of upwards of ninety per cent of the capital stock of the Vendor Company and is the owner of all outstanding bonds and obligations of the Vendor;

AND WHEREAS the indebtedness upon the said bonds and the other outstanding obligations of the Vendor to the Purchaser greatly exceeds the value of all assets of the Vendor;

AND WHEREAS the Vendor has no other debts or obligations;

AND WHEREAS the Vendor and the Purchaser have agreed for the transfer of all the assets of the Vendor unto the Purchaser upon the terms and conditions hereinafter set forth;

NOW THEREFORE THIS INDENTURE WITNESSETH that the Vendor and the Purchaser agree each with the other in the manner following:

1. The vendor sells, transfers, grants, sets over and assigns unto the Purchaser all its assets, both real, personal and mixed, including the undertaking known as The London and Port Stanley Railway and such of the appurtenances thereto as are the property of the vendor and every other right, power, privilege, franchise, goodwill, chose in action, including every right, power and privilege under any lease or agreement.

2. The said assets shall forthwith vest in the Purchaser upon this agreement coming into force and effect without further formality, but the Company will execute such further assurances, grants, transfers, assignments, deeds and bills of sale as the Purchaser may reasonably request.

3. In consideration therefor the Purchaser releases all its claims in respect of the debts and obligations owing by the Vendor.

4. Rental owing in respect of the said lease shall be apportioned as of the date of the coming into force and effect of this agreement and the term granted by the said lease shall be merged in the freehold estate hereby granted.

5. This agreement shall come into force and take effect upon being confirmed by an Act of the Parliament of Canada.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals attested by the hands of their respective proper officers.

THE LONDON AND PORT STANLEY
RAILWAY COMPANY

A. J. RUSH,
President.
R. H. COOPER,
Secretary.

(Seal)

THE CORPORATION OF THE CITY
OF LONDON

A. J. RUSH,
Mayor.
R. H. COOPER,
Clerk.

BILL

An Act respecting the
City of London

1st Reading

February 16th, 1956

2nd Reading

3rd Reading

MR. ROBARTS

(*Private Bill*)

No. 14

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the City of London

MR. ROBARTS

(Reprinted as amended by the Committee on Private Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 14

1956

BILL

An Act respecting the City of London

WHEREAS The Corporation of the City of London by ^{Preamble} its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Corporation of the City of London is authorized ^{City} and empowered to carry out the terms of an agreement, ^{authorized to carry out agreement} bearing date the 10th day of January, 1955, between the Corporation and The London & Port Stanley Railway Company, which agreement is set forth in the Schedule hereto.

(2) All lands and premises of The London & Port Stanley ^{Lands of L. & P.S. Rlwy. vested in City} Railway Company are hereby vested in The Corporation of the City of London as provided in the said agreement as effectually as if the same were granted, transferred and conveyed by deed duly registered under the provisions of *The Registry Act.* ^{R.S.O. 1950, c. 336}

2. The Corporation of the City of London, The Public ^{Agreement re water from Fanshawe Lake authorized} Utilities Commission of the City of London and Upper Thames River Conservation Authority are authorized and empowered to enter into and carry out the terms of an agreement to provide for the withdrawal of water from Fanshawe Lake for the purposes of the Corporation and the Commission in their sale and distribution of water throughout the City of London and those portions of the townships of London and Westminster which may at any time be served, including the right to provide for the erection of a filtration plant and lease of the necessary land therefor, and to provide for such other matters as may be required to carry out the intent of this section.

3. The Corporation of the City of London is hereby ^{Agreement re ambulance service authorized} authorized and empowered to enter into an agreement ^{Or} agreements upon such terms and conditions as the council of

the Corporation may consider proper to provide and pay for an ambulance service within the City of London.

Tax
exemption
authorized

R.S.O. 1950,
c. 215

4. The council of the Corporation is hereby authorized and empowered to pass a by-law or by-laws to exempt from municipal taxation the lands and buildings owned or occupied by Western Fair Association which are used for exhibition purposes, provided such exemption shall not extend to such taxes or rates as may be levied under *The Local Improvement Act* or to business taxes which may or might otherwise be levied in respect of such lands and premises when not in use for exhibition purposes.

Cleaning
of buildings
by sand

5. The council of the Corporation is hereby authorized and empowered to pass by-laws licensing and regulating the cleaning of the exterior of buildings by any method or combination of methods, including grinding, sand-blasting or by any method using sand.

Installation
of plumbing

6.—(1) The council of the Corporation may pass by-laws requiring that no plumbing may be installed or altered within the City of London until a permit has been obtained therefor, which permit may be issued by such authority as the council may by by-law provide, and such by-law may require the filing with such authority such information as may be thereby required and may provide for the payment of such fee as the council may determine.

Plumbing
Inspector,
authority
under
R.S.O. 1950,
c. 306

(2) The Plumbing Inspector of the City of London shall be an inspector having authority within the City of London for the purposes of any of the provisions of *The Public Health Act* or any regulations passed thereunder.

1931, c. 107,
s. 9,
re-enacted

7.—(1) Section 9 of *The City of London Act, 1931* is repealed and the following substituted therefor:

Municipal
golf courses

9. The Public Utilities Commission of the City of London may from time to time with the consent of the council of the Corporation acquire by purchase, lease or otherwise such land or lands within ten miles of the City as the Commission may deem necessary or expedient, and may improve and develop the same for use as a municipal golf course or municipal golf courses, and may maintain, manage, operate and control the same from time to time as a municipal golf course or courses.

1955, c. 104,
s. 6,
amended

8. Section 6 of *The City of London Act, 1955* is amended by adding thereto the following subsection:

- (2) The Corporation and Covent Garden Building Association may by agreement alter and amend the Agreement to vary or extend the time within which anything is to be done pursuant to the terms of the Agreement. ^{Power to amend agreement}

9.—(1) Whenever a by-law is passed by the council of The Corporation of the City of London under any of the powers given to it by any special Act, the provisions of sections 492 and 493 of *The Municipal Act* are declared to be and to have been applicable thereto. ^{Application of R.S.O. 1950, c. 243, ss. 492, 493}

- (2) The whole of any penalty recovered in any prosecution under any of the said by-laws shall belong to the Corporation. ^{Penalties to City}

10.—(1) The council of The Corporation of the City of London is hereby authorized and empowered to pass a by-law consolidating a by-law passed on the 3rd day of October, 1949, as No. CP-65-233 and the amendments made thereto. ^{Consolidation of by-law authorized}

- (2) The provisions of the consolidating by-law shall be effective and binding as if they had been enacted and passed on the date of their original enactment by the said By-law No. CP-65-233 and the date of the original enactment of the several amendments thereto. ^{Effective date}

11.—(1) The Board of Education for the City of London is authorized and empowered to use the unexpended moneys raised for secondary school purposes under the authority of by-laws of the City of London, numbered D-121-14 and D-132-239, together with the accrued interest thereon as part of the contribution to the cost of the construction of a workshop for the purposes of the said Board, which should be chargeable to secondary school purposes. ^{Use of unexpended moneys authorized}

- (2) The Board of Education for the City of London is authorized and empowered to establish and use as a reserve fund for the construction or reconstruction of buildings for public school accommodation such sums as have been raised for public school construction purposes and are unexpended under by-laws of the City of London, numbered 4946, 7513, D-18-58, D-34-102, D-47-21, D-48-22, D-54-35, D-67-127 and D-122-15, together with accrued interest thereon and, when such reserve fund is established, section 312 of *The Municipal Act* shall apply thereto. ^{Reserve fund}

- (3) The approval of The Corporation of the City of London to such use shall not be required and the Corporation and the council thereof shall not be liable in any way for such application of said moneys. ^{Approval not required}

**Commence-
ment** **12.** This Act comes into force on the day it receives Royal Assent.

Short title **13.** This Act may be cited as *The City of London Act, 1956*.

SCHEDULE

THIS AGREEMENT made (in duplicate) the Tenth day of January, in the year of our Lord one thousand nine hundred and fifty-five.

BETWEEN:

THE LONDON AND PORT STANLEY RAILWAY COMPANY,
hereinafter called the "Vendor",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE CITY OF LONDON, hereinafter
called the "Purchaser",

OF THE SECOND PART.

WHEREAS the Vendor is the owner of the Railway right-of-way and other miscellaneous assets used for the purposes of and in connection with The London and Port Stanley Railway, subject to outstanding bonds and to the terms and provisions of a lease bearing date the Twenty-eighth day of November, 1913, whereby the Vendor leased unto the Purchaser the railway right-of-way and other miscellaneous assets used in conjunction with the London and Port Stanley Railway as were the property of and in possession of the Vendor, for the term of ninety-nine years from the First day of January, 1914;

AND WHEREAS the Purchaser is the owner of upwards of ninety per cent of the capital stock of the Vendor Company and is the owner of all outstanding bonds and obligations of the Vendor;

AND WHEREAS the indebtedness upon the said bonds and the other outstanding obligations of the Vendor to the Purchaser greatly exceeds the value of all assets of the Vendor;

AND WHEREAS the Vendor has no other debts or obligations;

AND WHEREAS the Vendor and the Purchaser have agreed for the transfer of all the assets of the Vendor unto the Purchaser upon the terms and conditions hereinafter set forth;

NOW THEREFORE THIS INDENTURE WITNESSETH that the Vendor and the Purchaser agree each with the other in the manner following:

1. The vendor sells, transfers, grants, sets over and assigns unto the Purchaser all its assets, both real, personal and mixed, including the undertaking known as The London and Port Stanley Railway and such of the appurtenances thereto as are the property of the vendor and every other right, power, privilege, franchise, goodwill, chose in action, including every right, power and privilege under any lease or agreement.

2. The said assets shall forthwith vest in the Purchaser upon this agreement coming into force and effect without further formality, but the Company will execute such further assurances, grants, transfers, assignments, deeds and bills of sale as the Purchaser may reasonably request.

3. In consideration therefor the Purchaser releases all its claims in respect of the debts and obligations owing by the Vendor.

4. Rental owing in respect of the said lease shall be apportioned as of the date of the coming into force and effect of this agreement and the term granted by the said lease shall be merged in the freehold estate hereby granted.

5. This agreement shall come into force and take effect upon being confirmed by an Act of the Parliament of Canada.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals attested by the hands of their respective proper officers.

THE LONDON AND PORT STANLEY
RAILWAY COMPANY

A. J. RUSH,
President.
R. H. COOPER,
Secretary.

(Seal)

THE CORPORATION OF THE CITY
OF LONDON

A. J. RUSH,
Mayor.
R. H. COOPER,
Clerk.

BILL

An Act respecting the
City of London

1st Reading

February 16th, 1956

2nd Reading

3rd Reading

MR. ROBERTS

(Reprinted as amended by the
Committee on Private Bills)

No. 14

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the City of London

MR. ROBARTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 14

1956

BILL

An Act respecting the City of London

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3. The Corporation of the City of London is hereby ^{Agreement re ambulance or service authorized} authorized and empowered to enter into an agreement or agreements upon such terms and conditions as the council of

the Corporation may consider proper to provide and pay for an ambulance service within the City of London.

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R.S.O. 1950,
c. 215

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golf courses

9. The Public Utilities Commission of the City of London may from time to time with the consent of the council of the Corporation acquire by purchase, lease or otherwise such land or lands within ten miles of the City as the Commission may deem necessary or expedient, and may improve and develop the same for use as a municipal golf course or municipal golf courses, and may maintain, manage, operate and control the same from time to time as a municipal golf course or courses.

1955, c. 104,
s. 6,
amended

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- (2) The Board of Education for the City of London is authorized and empowered to establish and use as a reserve fund for the construction or reconstruction of buildings for public school accommodation such sums as have been raised for public school construction purposes and are unexpended under by-laws of the City of London, numbered 4946, 7513, D-18-58, D-34-102, D-47-21, D-48-22, D-54-35, D-67-127 and D-122-15, together with accrued interest thereon and, when such reserve fund is established, section 312 of *The Municipal Act* shall apply thereto. ^{Reserve fund}

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SCHEDULE

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hereinafter called the "Vendor",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE CITY OF LONDON, hereinafter
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OF THE SECOND PART.

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AND WHEREAS the Purchaser is the owner of upwards of ninety per cent of the capital stock of the Vendor Company and is the owner of all outstanding bonds and obligations of the Vendor;

AND WHEREAS the indebtedness upon the said bonds and the other outstanding obligations of the Vendor to the Purchaser greatly exceeds the value of all assets of the Vendor;

AND WHEREAS the Vendor has no other debts or obligations;

AND WHEREAS the Vendor and the Purchaser have agreed for the transfer of all the assets of the Vendor unto the Purchaser upon the terms and conditions hereinafter set forth;

NOW THEREFORE THIS INDENTURE WITNESSETH that the Vendor and the Purchaser agree each with the other in the manner following:

1. The vendor sells, transfers, grants, sets over and assigns unto the Purchaser all its assets, both real, personal and mixed, including the undertaking known as The London and Port Stanley Railway and such of the appurtenances thereto as are the property of the vendor and every other right, power, privilege, franchise, goodwill, chose in action, including every right, power and privilege under any lease or agreement.

2. The said assets shall forthwith vest in the Purchaser upon this agreement coming into force and effect without further formality, but the Company will execute such further assurances, grants, transfers, assignments, deeds and bills of sale as the Purchaser may reasonably request.

3. In consideration therefor the Purchaser releases all its claims in respect of the debts and obligations owing by the Vendor.

4. Rental owing in respect of the said lease shall be apportioned as of the date of the coming into force and effect of this agreement and the term granted by the said lease shall be merged in the freehold estate hereby granted.

5. This agreement shall come into force and take effect upon being confirmed by an Act of the Parliament of Canada.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals attested by the hands of their respective proper officers.

THE LONDON AND PORT STANLEY
RAILWAY COMPANY

A. J. RUSH,
President.
R. H. COOPER,
Secretary.

(Seal)

THE CORPORATION OF THE CITY
OF LONDON

A. J. RUSH,
Mayor.
R. H. COOPER,
Clerk.

BILL
An Act respecting the
City of London

1st Reading
February 16th, 1956

2nd Reading
March 12th, 1956

3rd Reading
March 14th, 1956

MR. ROBARTS

No. 15

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting Ottawa Community Chests

MR. MORROW

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 15

1956

BILL

An Act respecting Ottawa Community Chests

WHEREAS the Ottawa Community Chests, a corpora- Preamble
tion incorporated under *The Companies Act*, by its
petition has represented that it is composed of a number of
charitable organizations in the City of Ottawa and has prayed
that special legislation be passed to provide that its buildings,
lands, equipment and undertaking be exempt from municipal
taxation; and whereas it is expedient to grant the prayer of the
petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The buildings, lands, equipment and undertaking of ^{Tax}
the Ottawa Community Chests, so long as they are occupied ^{exemption}
by, used and carried on for the purposes of the Ottawa Com-
munity Chests or any of its member agencies, shall be exempt
from municipal taxation.

2. This Act comes into force on the 1st day of January, ^{Commence-}
1957. ^{ment}

3. This Act may be cited as *The Ottawa Community Chests* Short title
Act, 1956.

BILL

An Act respecting
Ottawa Community Chests

1st Reading

2nd Reading

3rd Reading

MR. MORROW

(Private Bill)

No. 15

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting Ottawa Community Chests

MR. MORROW

(Reprinted as amended by the Committee on Private Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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WHEREAS the Ottawa Community Chests, a corpora- Preamble
tion incorporated under *The Companies Act*, by its
petition has represented that it is composed of a number of
charitable organizations in the City of Ottawa and has prayed
that special legislation be passed to provide that its buildings,
lands, equipment and undertaking be exempt from municipal
taxation; and whereas it is expedient to grant the prayer of the
petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Notwithstanding any special or general Act, the council Tax
of The Corporation of the City of Ottawa may pass by-laws exemption
exempting from taxes, other than local improvement rates,
the land, as defined in *The Assessment Act*, of Ottawa Com-
munity Chests, provided that the land is owned by Ottawa
Community Chests and occupied by, used solely and carried
on for the purposes of Ottawa Community Chests or any of
its member agencies, to such extent and on such conditions
as may be set out in the by-law.

2. This Act comes into force on the 1st day of January, Commence-
1957. ment

3. This Act may be cited as *The Ottawa Community Chests* Short title
Act, 1956.

BILL
An Act respecting
Ottawa Community Chests

1st Reading
February 16th, 1956

2nd Reading

3rd Reading

MR. MORROW

*(Reprinted as amended by the
Committee on Private Bills)*

No. 15

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

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MR. MORROW

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 15

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BILL

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WHEREAS the Ottawa Community Chests, a corpora- Preamble
tion incorporated under *The Companies Act*, by its
petition has represented that it is composed of a number of
charitable organizations in the City of Ottawa and has prayed
that special legislation be passed to provide that its buildings,
lands, equipment and undertaking be exempt from municipal
taxation; and whereas it is expedient to grant the prayer of the
petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Notwithstanding any special or general Act, the council Tax
of The Corporation of the City of Ottawa may pass by-laws exemption
exempting from taxes, other than local improvement rates,
the land, as defined in *The Assessment Act*, of Ottawa Com-
munity Chests, provided that the land is owned by Ottawa
Community Chests and occupied by, used solely and carried
on for the purposes of Ottawa Community Chests or any of
its member agencies, to such extent and on such conditions
as may be set out in the by-law.

2. This Act comes into force on the 1st day of January, Commence-
1957. ment

3. This Act may be cited as *The Ottawa Community Chests* Short title
Act, 1956.

BILL

An Act respecting
Ottawa Community Chests

1st Reading

February 16th, 1956

2nd Reading

March 12th, 1956

3rd Reading

March 14th, 1956

MR. MORROW

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting
United Co-operatives of Ontario

MR. OLIVER

(PRIVATE BILL)

No. 16

1956

BILL

An Act respecting United Co-operatives of Ontario

WHEREAS United Co-operatives of Ontario by its Preamble petition has represented that it was incorporated by *The United Co-operatives of Ontario Act, 1948* with an authorized capital of \$3,000,000, divided into 214,950 common shares having a par value of \$10 each and 121,500 non-voting preference shares having a par value of \$7 each; and whereas all the issued preference shares of the Company have been redeemed and the authorized capital has now been reduced to \$2,150,865; and whereas the Company desires to increase its authorized capital to \$6,000,000; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The authorized capital of United Co-operatives of Ontario is decreased from \$2,150,865 to \$2,149,500, such decrease to be effected by the cancellation of the 195 unissued non-voting preference shares having a par value of \$7 each.

2. The authorized capital of United Co-operatives of Ontario is increased from \$2,149,500 to \$6,000,000 by the creation of 385,050 common shares having a par value of \$10 each ranking in all respects *pari passu* with the existing 214,950 common shares.

3. Section 6 of *The United Co-operatives of Ontario Act, 1948* is repealed.

4. This Act comes into force on the day it receives Royal Assent.

5. This Act may be cited as *The United Co-operatives of Ontario Act, 1956*.

BILL

An Act respecting
United Co-operatives of Ontario

1st Reading

2nd Reading

3rd Reading

MR. OLIVER

(*Private Bill*)

No. 16

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting
United Co-operatives of Ontario

MR. OLIVER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 16

1956

BILL

An Act respecting United Co-operatives of Ontario

WHEREAS United Co-operatives of Ontario by its Preamble
petition has represented that it was incorporated by
The United Co-operatives of Ontario Act, 1948 with an author- 1948,
ized capital of \$3,000,000, divided into 214,950 common shares c. 130
having a par value of \$10 each and 121,500 non-voting
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all the issued preference shares of the Company have been
redeemed and the authorized capital has now been reduced
to \$2,150,865; and whereas the Company desires to increase
its authorized capital to \$6,000,000; and whereas it is ex-
pedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The authorized capital of United Co-operatives of Authorized
Ontario is decreased from \$2,150,865 to \$2,149,500, such capital
decrease to be effected by the cancellation of the 195 unissued decreased
non-voting preference shares having a par value of \$7 each.

2. The authorized capital of United Co-operatives of Authorized
Ontario is increased from \$2,149,500 to \$6,000,000 by the increased
creation of 385,050 common shares having a par value of \$10
each ranking in all respects *pari passu* with the existing
214,950 common shares.

3. Section 6 of *The United Co-operatives of Ontario Act*, 1948, c. 130,
1948 is repealed. s. 6,
repealed

4. This Act comes into force on the day it receives Royal Commence-
Assent. ment

5. This Act may be cited as *The United Co-operatives of* Short title
Ontario Act, 1956.

BILL

An Act respecting
United Co-operatives of Ontario

1st Reading

February 16th, 1956

2nd Reading

February 24th, 1956

3rd Reading

March 6th, 1956

MR. OLIVER

No. 17

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act respecting the City of Stratford

MR. EDWARDS

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 17

1956

BILL

An Act respecting the City of Stratford

WHEREAS The Corporation of the City of Stratford by Preamble
its petition has prayed for special legislation in respect
of the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The Corporation of the City of Stratford, hereinafter Expenditure
for
Shakes-
pearean
Festival
from
Sinking
Fund
authorized
called the Corporation, is empowered to expend \$30,000 from
the Sinking Fund surplus of the Corporation for the purpose
of assisting The Stratford Shakespearean Festival Foundation
in erecting a permanent building in which to house its
Shakespearean plays and other productions, and also for the
purpose of providing suitable accommodation for other
cultural pursuits and for recreation.

2. The Sinking Fund of the Corporation shall be closed Closing
of
Sinking
Fund
after payment therefrom of the expenditure authorized by
section 1 and the balance of the moneys remaining therein
shall be used for the general purposes of the Corporation.

3. The expenditures heretofore made in any year by the Expenditures
from Sinking
Fund
confirmed
Corporation from the Sinking Fund surplus for the general
purposes of the Corporation are hereby ratified and confirmed.

4. All sales of land within the City of Stratford prior to Confirmation
of tax sales
the 1st day of January, 1955, and purporting to have been
made by the Corporation or its Treasurer for arrears of taxes
payable to the Corporation with respect to the lands so sold
are hereby confirmed and declared to be legal, valid and bind-
ing.

5. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

6. This Act may be cited as *The City of Stratford Act, 1956.* Short title

No. 17

BILL

An Act respecting the
City of Stratford

1st Reading

2nd Reading

3rd Reading

MR. EDWARDS

(*Private Bill*)

b

No. 17

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act respecting the City of Stratford

MR. EDWARDS

(Reprinted as amended by the Committee on Private Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 17

1956

BILL

An Act respecting the City of Stratford

WHEREAS The Corporation of the City of Stratford by Preamble
its petition has prayed for special legislation in respect
of the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The Corporation of the City of Stratford may make a Grant to
grant of not more than \$30,000 to The Stratford Shakespearean Shake-
Festival Foundation for the purpose of erecting a permanent spearean
building for the use of the Foundation and for providing Foundation
accommodation for other cultural pursuits and recreation. authorized

2. This Act comes into force on the day it receives Royal Commence-
Assent. ment

3. This Act may be cited as *The City of Stratford Act, 1956*. Short title

BILL

An Act respecting the
City of Stratford

1st Reading

February 16th, 1956

2nd Reading

3rd Reading

MR. EDWARDS

(Reprinted as amended by the
Committee on Private Bills)

No. 17

2ND SESSION, 25TH LEGISLATURE, ONTARIO
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Assent. ment

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BILL

An Act respecting the
City of Stratford

1st Reading

February 16th, 1956

2nd Reading

March 12th, 1956

3rd Reading

March 26th, 1956

MR. EDWARDS

No. 18

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the Town of Fort Erie

MR. JOLLEY

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 18

1956

BILL

An Act respecting the Town of Fort Erie

WHEREAS The Corporation of the Town of Fort Erie ^{Preamble} by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement made between The Corporation of the Town of Fort Erie and the Buffalo and Fort Erie Public Bridge Authority, bearing date the 29th day of December, 1955, set forth as the Schedule hereto, is hereby validated and confirmed and declared to be legal, valid and binding upon the parties thereto and The Corporation of the Town of Fort Erie and the Buffalo and Fort Erie Public Bridge Authority are hereby empowered to carry out and enforce their respective obligations and rights thereunder. ^{Agreement validated}

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

3. This Act may be cited as *The Town of Fort Erie Act*, ^{Short title} 1956.

SCHEDULE

AGREEMENT made in triplicate this 29th day of December, A.D. 1955.

BETWEEN:

BUFFALO AND FORT ERIE PUBLIC BRIDGE AUTHORITY,
hereinafter called "the Bridge Authority",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWN OF FORT ERIE,
hereinafter called the "Corporation",

OF THE SECOND PART.

WHEREAS the Parties hereto desire to continue the present arrangement of determining the taxes payable by the Bridge Authority for a period of seven years;

AND WHEREAS the Parties have agreed that the taxes to be paid by the Bridge Authority to the Corporation in respect of taxation on all the property of the Bridge Authority in the Town of Fort Erie and business assessment in respect thereto for the years 1956, 1957, 1958, 1959, 1960, 1961 and 1962 shall be as hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises hereinafter set forth, the Parties hereto mutually agree as follows:

1. The Bridge Authority shall pay to the Corporation of the Town of Fort Erie for all municipal taxes against the real property, buildings, improvements and structures of the Bridge Authority owned, leased, occupied or managed by it situated in the Town of Fort Erie, and for business assessment, and against the Bridge Authority itself for the years 1956 to 1962 inclusive, the following sums of money, namely:

1956.....	\$45,000.00	plus local improvement rates		
1957.....	\$46,000.00	" "	" "	" "
1958.....	\$47,000.00	" "	" "	" "
1959.....	\$48,000.00	" "	" "	" "
1960.....	\$50,000.00	" "	" "	" "
1961.....	\$55,000.00	" "	" "	" "
1962.....	\$60,000.00	" "	" "	" "

2. The assessment of the said real property, buildings, improvements and structures acquired, held, leased or managed by the Bridge Authority within the corporate limits of the Town of Fort Erie, including business assessment, and of the Bridge Authority itself, shall, for the purposes of taxation in each year of the years 1956 to 1962, be entered on the Assessment and Collector's Roll of the said Town of Fort Erie in respect of the said years at no higher valuation than will produce the above mentioned sums per annum in the said respective years at the rate or rates in the dollar which shall have been fixed by a by-law or by-laws of the said Corporation for authorizing, levying and collection of rates for the purposes of the municipality and the said valuation shall be held and taken to be the assessed valuation for which, during the said years, the said property, business assessment and Bridge Authority hereinbefore described shall be entered upon the Assessment and Collector's Roll for the purpose of levying and collecting all rates, exclusive of local improvement rates, and it shall be the duty of the Assessor from time to time during the said period to assess the same in accordance with the valuations hereby affixed and for no other or greater sum.

3. The said sums for the respective years set forth in paragraph No. 1 above for each of the said respective years shall be payable to the Corporation each and every year during the term of this Agreement on or before the 23rd day of September.

4. The Corporation hereby undertakes and covenants with the Authority to apply at the earliest possible time hereafter for legislation of the Province of Ontario to give full effect to all provisions in this Agreement and to do all acts and things necessary to make the said provisions valid and binding, and will abide by, observe and carry out the same according to the spirit, true intent and meaning thereof.

5. The Authority hereby undertakes and covenants with the Corporation to co-operate with the Corporation to obtain the necessary legislation to give full effect to this Agreement and to make the same valid and binding, it being understood and agreed, however, that the Authority shall not in any way or under any circumstance be responsible for failure on the part of the Corporation to secure the said legislation.

6. That the making of this Agreement and acts of any party hereunder or incidental thereto shall not in any way prejudice the rights in law of any parties during or after the expiration of the term hereof.

7. That all the provisions herein contained shall enure to the benefit of and be binding upon the successors and assigns of each and all of the parties hereto.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their Corporate seals the day and year first above written

SIGNED, SEALED, DELIVERED and
COUNTERSIGNED

By the proper officers of the
Parties hereto:

BUFFALO AND FORT ERIE PUBLIC
BRIDGE AUTHORITY

EDWIN LANG MILLER,
Vice-Chairman.

JOHN W. VAN ALLEN,
Secretary.

THE CORPORATION OF THE TOWN
OF FORT ERIE

H. E. THOMPSON,
Mayor.

A. E. JEPSON,
Clerk.

BILL

An Act respecting the
Town of Fort Erie

1st Reading

2nd Reading

3rd Reading

MR. JOLLEY

(*Private Bill*)

No. 18

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the Town of Fort Erie

MR. JOLLEY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 18

1956

BILL

An Act respecting the Town of Fort Erie

WHEREAS The Corporation of the Town of Fort Erie ^{Preamble} by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement made between The Corporation of the Town of Fort Erie and the Buffalo and Fort Erie Public Bridge Authority, bearing date the 29th day of December, 1955, set forth as the Schedule hereto, is hereby validated and confirmed and declared to be legal, valid and binding upon the parties thereto and The Corporation of the Town of Fort Erie and the Buffalo and Fort Erie Public Bridge Authority are hereby empowered to carry out and enforce their respective obligations and rights thereunder. ^{Agreement validated}

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. _{ment}

3. This Act may be cited as *The Town of Fort Erie Act*, ^{Short title} 1956.

SCHEDULE

AGREEMENT made in triplicate this 29th day of December, A.D. 1955.

BETWEEN:

BUFFALO AND FORT ERIE PUBLIC BRIDGE AUTHORITY,
hereinafter called "the Bridge Authority",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWN OF FORT ERIE,
hereinafter called the "Corporation",

OF THE SECOND PART.

WHEREAS the Parties hereto desire to continue the present arrangement of determining the taxes payable by the Bridge Authority for a period of seven years;

AND WHEREAS the Parties have agreed that the taxes to be paid by the Bridge Authority to the Corporation in respect of taxation on all the property of the Bridge Authority in the Town of Fort Erie and business assessment in respect thereto for the years 1956, 1957, 1958, 1959, 1960, 1961 and 1962 shall be as hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises hereinafter set forth, the Parties hereto mutually agree as follows:

1. The Bridge Authority shall pay to the Corporation of the Town of Fort Erie for all municipal taxes against the real property, buildings, improvements and structures of the Bridge Authority owned, leased, occupied or managed by it situated in the Town of Fort Erie, and for business assessment, and against the Bridge Authority itself for the years 1956 to 1962 inclusive, the following sums of money, namely:

1956.....	\$45,000.00	plus local improvement rates	
1957.....	\$46,000.00	" "	" "
1958.....	\$47,000.00	" "	" "
1959.....	\$48,000.00	" "	" "
1960.....	\$50,000.00	" "	" "
1961.....	\$55,000.00	" "	" "
1962.....	\$60,000.00	" "	" "

2. The assessment of the said real property, buildings, improvements and structures acquired, held, leased or managed by the Bridge Authority within the corporate limits of the Town of Fort Erie, including business assessment, and of the Bridge Authority itself, shall, for the purposes of taxation in each year of the years 1956 to 1962, be entered on the Assessment and Collector's Roll of the said Town of Fort Erie in respect of the said years at no higher valuation than will produce the above mentioned sums per annum in the said respective years at the rate or rates in the dollar which shall have been fixed by a by-law or by-laws of the said Corporation for authorizing, levying and collection of rates for the purposes of the municipality and the said valuation shall be held and taken to be the assessed valuation for which, during the said years, the said property, business assessment and Bridge Authority hereinbefore described shall be entered upon the Assessment and Collector's Roll for the purpose of levying and collecting all rates, exclusive of local improvement rates, and it shall be the duty of the Assessor from time to time during the said period to assess the same in accordance with the valuations hereby affixed and for no other or greater sum.

3. The said sums for the respective years set forth in paragraph No. 1 above for each of the said respective years shall be payable to the Corporation each and every year during the term of this Agreement on or before the 23rd day of September.

4. The Corporation hereby undertakes and covenants with the Authority to apply at the earliest possible time hereafter for legislation of the Province of Ontario to give full effect to all provisions in this Agreement and to do all acts and things necessary to make the said provisions valid and binding, and will abide by, observe and carry out the same according to the spirit, true intent and meaning thereof.

5. The Authority hereby undertakes and covenants with the Corporation to co-operate with the Corporation to obtain the necessary legislation to give full effect to this Agreement and to make the same valid and binding, it being understood and agreed, however, that the Authority shall not in any way or under any circumstance be responsible for failure on the part of the Corporation to secure the said legislation.

6. That the making of this Agreement and acts of any party hereunder or incidental thereto shall not in any way prejudice the rights in law of any parties during or after the expiration of the term hereof.

7. That all the provisions herein contained shall enure to the benefit of and be binding upon the successors and assigns of each and all of the parties hereto.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their Corporate seals the day and year first above written

SIGNED, SEALED, DELIVERED and
COUNTERSIGNED

By the proper officers of the
Parties hereto:

BUFFALO AND FORT ERIE PUBLIC
BRIDGE AUTHORITY

EDWIN LANG MILLER,
Vice-Chairman.

JOHN W. VAN ALLEN,
Secretary.

THE CORPORATION OF THE TOWN
OF FORT ERIE

H. E. THOMPSON,
Mayor.

A. E. JEPSON,
Clerk.

BILL

An Act respecting the
Town of Fort Erie

1st Reading

February 16th, 1956

2nd Reading

March 12th, 1956

3rd Reading

March 14th, 1956

MR. JOLLEY

No. 19

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act respecting
The Board of Education for the City of Hamilton

MR. CONNELL

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 19

1956

BILL

An Act respecting The Board of Education for the City of Hamilton

WHEREAS The Board of Education for the City of ^{Preamble} Hamilton, hereinafter called the Board, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. All pensions, retirement allowances and sick leave credits granted or purporting to have been granted up until the 31st day of December, 1955, to employees of the Board in accordance with the several resolutions of the Board as set forth in Schedules A, B, C and D hereto, and all payments of money made by the Board pursuant thereto, are hereby validated and declared to be legal, valid and binding upon the Board and the ratepayers of The Corporation of the City of Hamilton. ^{Pensions, etc., granted before 1956 validated}

2. The several resolutions of the Board as set forth in ^{Resolutions validated} Schedules B, C and D hereto are hereby declared to be legal, valid and binding upon the Board and the said ratepayers, and the Board is hereby empowered to carry out all its obligations that may arise from and under the said resolutions to employees who entered the service of the Board on or before the 31st day of December, 1955.

3. On and after the 1st day of January, 1956, the Pension Plan of the Board as set forth in Schedule A hereto shall be as amended and set forth in Schedule E hereto and is hereby declared to be legal, valid and binding upon the Board and the said ratepayers, and the Board is hereby empowered to carry out all its obligations that may arise thereunder. ^{Pension plan validated}

4. This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.

5. This Act may be cited as *The Hamilton Board of Education Act, 1956*. ^{Short title}

SCHEDULE A

BOARD OF EDUCATION OF THE CITY OF HAMILTON, ONTARIO

PENSION PLAN

DEFINITIONS

- (a) Wherever used herein, "Employer" means Board of Education, Hamilton.
- (b) "Employee" shall mean any person designated as an employee and shall include any salaried officer, clerk, workman, servant or other person in the employ of the Board of Education for the City of Hamilton, except school teachers and inspectors to whom *The Teachers' and Inspectors' Superannuation Act* is applicable.
- (c) "Government" means the Annuities Branch, Department of Labour, Canada.
- (d) The masculine pronoun wherever used includes female employee, unless the context indicates otherwise.

EFFECTIVE DATE

The plan will become effective on and after April 15, 1944.

- (1) Each present male employee will be eligible to become a member of the Plan on the Effective Date if he then:
 - (a) has not attained Normal Retirement Age as specified herein,
 - (b) has completed at least one year of continuous employment with the Employer, and has attained the age of 25 years,
 - (c) has been classified by the Employer as a permanent employee.
- (2) Each present female employee will be eligible to become a member of the Plan on the Effective Date if she then:
 - (a) has not attained Normal Retirement Age as specified herein,
 - (b) has completed at least three years of continuous employment with the Employer, and has attained the age of 25 years,
 - (c) has been classified by the Employer as a permanent employee.
- (3) Each present employee who is not eligible to become a member of the Plan on the Effective Date, will be eligible to become a member on the first day of the month immediately following the date on which the conditions applicable to himself, as set forth in paragraphs 1, 2, hereof, are fulfilled.
- (4) Each male person who becomes an employee after the Effective Date of the Plan, must as a condition of employment, become a member of the Plan on the first day of the month immediately following the date on which the conditions applicable to himself, as set forth in paragraphs 1 or 2, are fulfilled.
- (5) Each female who becomes an employee after the Effective Date of the Plan must as a condition of employment, become a member of the Plan on the first day of the month immediately following the date on which she has completed three years of continuous employment with the Employer, and has attained the age of 30 years, if she is then under the Normal Retirement Age and is classified as

a permanent employee. Each such female employee, may, however, become a member of the Plan on the first day of the month immediately following the date on which she has completed three years of continuous employment with the Employer, and has attained the age of 25 years, if she so wishes.

- (6) Each employee who has volunteered or who has been drafted for military service prior to the Effective Date of the Plan or prior to becoming eligible, and who returns to active service with the Employer within six months after the discharge from military service, will be eligible to become a member on the first day of the month following return to work, or following completion of the eligibility conditions.

HOW TO BECOME A MEMBER OF THE PLAN

- (7) To become a member of the Plan an eligible employee must sign the form of application provided, and authorize the required payroll deductions.
- (8) Any employee who becomes a member of the Plan may not, except with the consent of the Employer, withdraw from it as long as he is in the employ of the Employer and under Retirement Age. An employee who so withdraws may be considered for purposes of this Plan, as having terminated his services, and no further contributions will be made by him or by the Employer on his behalf under this Plan.
- (9) The Normal Retirement Date of a member will be the first day of July coincident with or immediately following the attainment of Normal Retirement Age which is the sixty-fifth birthday. However, for a member who was born in the months of July or August, the Normal Retirement Date will be the first day of July immediately following the attainment of Normal Retirement Age which is the sixty-fourth birthday.

EMPLOYEES OVER NORMAL RETIREMENT AGE

- (10) Each employee who is over Normal Retirement Age, as specified herein, at the Effective Date of the Plan, will be retired at a date to be determined by the Employer, and will receive from date of actual Retirement the amount of annuity determined by his years of past service up to the Effective Date of the Plan, in accordance with Paragraph 18 thereof.

CONTRIBUTIONS

- (11) **EMPLOYEE:** Each member of the Plan will contribute an amount equal to 5% of his Earnings.
- (12) **EMPLOYER:** For each member of the Plan, the Employer will contribute an amount equal to 5% of his earnings for service rendered after the Effective Date of the Plan (hereinafter referred to as Future Service contributions).
- (13) The Employer will also contribute such amounts as may be necessary to purchase annuities in respect of service prior to the Effective Date of the Plan, as herein provided, (hereinafter referred to as Past Service Contributions).
- (13) (a) In addition to the Past Service Contributions made by the Employer, as outlined in Section (13) hereof, a member may, if he wishes, contribute in respect of his past service to a total amount not greater than 5% of his total earnings during his years of service prior to joining the Plan, provided, however, that the contributions so made do not exceed \$900.00 in any one year.
- (14) The contributions of a member will be remitted to the Government at the end of each three months' period, together with the Employer contributions for same period. If the contributions made by and

on behalf of a member become sufficient before his Retirement Date to purchase the maximum annuity available to him from the Government (\$1,200.00 per year) no further contributions will be payable to the Government by the member or by the Employer on his behalf.

- (15) For the purposes of this Plan, the Employer's determination of a member's earnings and length of service shall be conclusive. The portion of a member's earnings which exceeds \$6,000.00 per year shall not be taken into consideration for purposes of calculating contributions or benefits under the Plan.

AMOUNT OF RETIREMENT ANNUITY

- (16) FUTURE SERVICE: (Being the service rendered by a member after the Effective Date of the Plan).

Each member of the Plan will receive at Normal Retirement Date, subject to the terms of this Plan, the amount of annuity purchased by the contributions made by the member himself and by the Employer on his behalf for Future Service.

- (17) PAST SERVICE: (Being service rendered by a member prior to the Effective Date of the Plan).

Each eligible employee who becomes a member of the Plan on the Effective Date, or within 60 days thereof, will receive, commencing at Normal Retirement Date, subject to the terms of this Plan, a Past Service Annuity equal to \$12.00 for each completed year of service up to the Effective Date of the Plan, excluding any years of service prior to the date which is 40 years before a male member's Normal Retirement Age and excluding any years of service prior to the date which is 35 years before a female member's Normal Retirement Age. The cost of such Past Service annuities will be borne entirely by the Employer.

- (18) In calculating the number of years of past service of employees who have been or who are absent on military service, and who subsequently become members of the Plan in accordance with Paragraph 7 hereof, credit shall also be given for the period of military service up to the Effective Date of the Plan.

MAXIMUM ANNUITY UNDER THE PLAN

- (19) The maximum annuity that may be received by a member under this Plan is \$1,200. per year. The maximum annuity available from the Government on the life of a member is \$1,200. per year, in which will be included the amount of annuity to which a member may be or may become entitled under an individual Government Contract on his life at the time of becoming a member of the Plan, and if he is thereby precluded from receiving the maximum annuity under the Plan from the Government, contributions under the Plan will be remitted to the Government, until the maximum annuity available to the member from the Government has been purchased, and thereafter contributions will be remitted to such Insurance Company, licensed to do business in Canada, as the Employer may designate, until the maximum annuity under the Plan has been purchased, or until the member attains Normal Retirement Age, whichever occurs first.

PAYMENT OF RETIREMENT ANNUITY

- (20) The Retirement Annuity will commence on the Retirement Date of the member, and will be payable in monthly instalments as long as he lives, provided that sixty monthly instalments will be paid in any event.

OPTIONAL TYPES OF ANNUITY

- (21) In place of the Normal Type of Annuity as described in Paragraph 20, a member may, at any time more than five years before his Retirement Annuity commences, or within six months from his date of Registration with the Government, choose any one of the following types:—

- (a) Joint and Survivorship annuity: Providing a smaller annuity, but payable during the lifetime of the member and other person, generally his wife, and continuing until the death of the survivor.
- (b) Annuity payable for life, but 120, 180, or 240 annuity instalments guaranteed in any event.
- (c) Annuity payable for life, and ceasing with the last instalment due before the date of death.

Information will be supplied on request, showing the approximate amount of annuity that would be received under any one of these options.

TERMINATION OF EMPLOYMENT

- (22) If for any reason other than his death, a member should cease to be employed by the Employer prior to his Normal Retirement Date, the total of the contributions which he has made under the Plan will remain at his credit with the Government, to provide him with an Annuity commencing at Normal Retirement Date or any earlier anniversary thereof. The member will have the privilege of continuing contributions in order to increase his annuity.
- (23) In addition, if at Date of Termination, the member has completed at least twenty years of employment with the Employer he will receive at Normal Retirement Date, or an earlier anniversary thereof, the amount of annuity purchased by the Future Service and Past Service contributions remitted by the Employer on his behalf.
- (24) If a member is convicted of a criminal offence arising out of a breach of trust, embezzlement or fraud committed in the course of his employment with the Employer, he will hereby forfeit any right to or in receipt of Past Service and Future Service contributions made by the Employer on his behalf, or to any payment calculated by reference to any such contributions under this Plan, if notice of the conviction is received by the Government before payment is made to the member, or to his designated Beneficiary or legal representative.

RE-EMPLOYMENT

- (25) Any member whose employment has been terminated and who is subsequently re-employed by the Employer will, for the purposes of this Plan, be considered a new employee.

EARLY RETIREMENT

- (26) Under special circumstances and with the consent of the Employer, a member may be permitted to retire on the first day of any month in the five year period immediately preceding Normal Retirement Date, or at any other time for reasons of sickness or disability, as determined by the Employer. The amount of annuity thereupon payable to the member will be on a reduced scale, and will be determined by his attained age and by all contributions made by himself and by the Employer on his behalf.

DEATH BENEFITS

- (27) **BEFORE RETIREMENT:** If a member dies before the first instalment of his Retirement Annuity is due, whether or not he is in the employ of the Employer at the date of death, an amount equal to the contributions he has made under the Plan will be paid to his designated Beneficiary in a lump sum, together with interest thereon up to the date of death, as provided in the Government *Annuities Act* (R.S.C. 1927, Chapter 7, as amended by Chapter 33, Statutes of 1931). The current rate of interest is 4% per year, compounded yearly.
- (28) In addition, if at the date of death, the member is in the employ of the employer, or has terminated his employment with the Employer,

after completion of at least 20 years of employment, an amount equal to the Past Service and Future Service contributions made by the Employer on his behalf, together with interest thereon as described in Paragraph 27, will be paid to his designated Beneficiary.

- (29) **AFTER RETIREMENT:** If a member dies after the first instalment of his Retirement Annuity has become due, and before sixty monthly payments have been received, the annuity payments will be continued to his designated Beneficiary as they become due, until sixty monthly payments in all have been made.

However, if a member has elected an optional type of annuity, the death benefits, if any, will be determined accordingly.

ABSENCES FROM WORK

- (30) Authorized absences from work shall not constitute termination of employment for the purposes of this Plan, but will be governed as follows:
- (a) If the member receives pay, contributions will continue and he will be entitled to all benefits as though he were actually at work.
 - (b) If the member does not receive pay, contributions will cease but any benefits previously purchased will not be affected. Upon return to active service with the Employer, contributions will be resumed.

MINIMUM ANNUITY FROM THE GOVERNMENT

- (31) If, at his Normal Retirement Date, the contributions at the credit of a member, including his own and those made by the Employer on his behalf, are not sufficient to purchase him an annuity of \$10.00 per year, such contributions will be paid to the member in a lump sum together with interest thereon as provided in the Government *Annuities Act* (R.S.C. 1927, Chapter 7, as amended by Chapter 33, Statutes of 1927) and the regulations made thereunder in lieu of the annuity purchased thereby.

LIMITATION OF ASSIGNMENT

- (32) (a) The Retirement Annuity and other benefits under the Plan are not assignable, whether by voluntary action or by operation of law.
- (b) A member may not borrow against his contributions nor withdraw them at any time.

RIGHT TO EMPLOYMENT OR BENEFITS

- (33) Participation in this Plan will not give any member the right to be retained in the service of the Employer, or any right or claim to benefits, unless the right to such benefits has specifically accrued under the terms of this Plan.

ADMINISTRATION OF THE PLAN

- (34) The Employer reserves the right to decide all matters arising in the administration and interpretation of the Plan, subject to law and the Government *Annuities Act*, (R.S.C. 1927, Chapter 7, as amended Chapter 33, Statutes of 1931) and the rules and regulations made thereunder. It will be the obligation of the Employer to pay over to the Government the contributions collected from the members together with the contributions required to be made by the Employer under the Plan, and it will be the obligation of the Government to pay benefits in accordance with contributions received.

CHANGE OR MODIFICATION

- (35) The Employer hopes and expects to continue the Plan indefinitely, but reserves the right to change or modify it at any time. Any change

or modification in the Plan shall not affect the terms of payment of, or the amount of, Retirement Annuity purchased prior to the date of such change or modification.

REGULATIONS UNDER THE PLAN

1. Present Employees' Option of becoming members of the Plan:

All employees in the service of the Employer on the Effective Date of the Plan, who are or who will be eligible to become members of the Plan will be required to decide within 60 days of the date they become eligible, whether or not they desire to become members of the Plan.

The decision in such cases shall be final and binding, and those employees who elect not to become members, shall sign a waiver, and shall not be permitted to become members after a period of 60 days has elapsed.

PROOF OF AGE

2. (a) At the time of joining the Plan, or as soon thereafter as possible a member will send to the Government a birth or baptismal certificate, as proof of his date of birth. The birth or baptismal certificate will be returned to the member.
- (b) If a birth or baptismal certificate cannot be obtained the member will submit a STATUTORY DECLARATION as to the date of birth by parent, or a copy of the entry of his date of birth in the Family Bible, certified to be a true copy by a Lawyer, Justice of the Peace, Notary Public, or Commissioner for taking oaths.
- (c) If such cannot be obtained, the member will submit a STATUTORY DECLARATION by a responsible person having cause to know of his date of birth, stating that no other documentary proof of age can be obtained.
- (d) If such cannot be obtained, the member will himself submit a STATUTORY DECLARATION as to his date of birth, stating that no other proof of age can be obtained.

BENEFICIARY

3. Each employee, on becoming a member of the Plan, may designate ANY ONE person his Beneficiary to receive such sums as may be payable on or after his death, reserving the right to change the Beneficiary from time to time with the assent of the Government. If, on the death of the member, there should be no living designated Beneficiary with respect to himself, such sums as would otherwise be payable to his designated Beneficiary, will be payable to the legal representative of the member.

MEMBER'S CERTIFICATE OR CONTRACT

4. Each member of the Plan will receive from the Government a certificate as evidence of his inclusion under the Group Annuity Contract issued by the Government to the Employer. At his date of retirement, or at his date of final termination of service, the member will receive an individual Government Annuity Contract, specifying the amount of annuity, and any other benefits, to which he has become entitled.

RECEIPTS FOR PAYMENTS

5. The Government will provide receipts to each payment of a member's contributions received by the Government. These receipts will be transmitted to the member through the Employer.

TERMINATION OF SERVICE

6. A member shall be deemed to have finally terminated his service with the Employer when, in the opinion of the Pension Committee, or failing such, of the Employer, he has left the employ of the Employer without reason to believe that he will be further employed.

SUSPENSION OF SERVICE

7. A member shall be deemed to have suspended his service with the Employer, when he is temporarily off duty without pay for any reason other than on account of illness or accident, except as otherwise provided herein or in the Plan.

DISABILITY

8. "Disability" as set out in the Plan shall be interpreted to mean that a member has furnished satisfactory medical testimony, as may be required, that he is unable to continue further at his employment.

 SCHEDULE B

- (a) "DEPENDENT" in this part shall mean such of the members of the family of an employee as were wholly dependent upon his earnings at the time of his death and whether such members are so dependent shall be determined by the Board.
- (b) A fund shall be established by the Board to be known as the "EMPLOYEES' INSURANCE FUND" and, in the event of the death of an employee while in the employment of the Board and prior to his retirement, such employee's dependent shall be paid from such fund an amount equal to one month's salary for each year during the period of the employment of such employee; provided, however, that such amount shall not exceed the annual salary which such employee was receiving at the time of his death.
- (c) Where an employee, having reached the age of sixty years or after having been for twenty years in the service of the Board, retires at such time as may be fixed by the Board for retirement, the Board shall pay such employee a retiring allowance equal to one month's salary for each year during the term of his employment; provided, however, that such retiring allowance shall not exceed the annual salary that such employee was receiving at the time of his retirement and provided, further, that, in the event of an employee retiring prior to the time fixed by the Board for retirement but after such employee has reached the age of sixty years or after having been for twenty years in the service of the Board, a retiring allowance may be granted in the discretion of the Board to such employee for such amount as the Board may determine.
- (d) That in the case of female employees who retire to get married, if they have given 30 years or more service with the Board of Education for the City of Hamilton, they may be eligible for the gratuity.

To women cleaners, having reached the age of sixty and having 20 years in the service of the Board, who retire, the Board shall pay a retiring allowance equal to the average annual amount received by such employee for the previous three years.

SCHEDULE C

- (a) Any full-time employee, not eligible for payments under *The Teachers' Superannuation Act*, in the service of the Board on and after the 1st day of June 1949 and who may be retired from the service of the Board of Education after twenty (20) years' service, or who has reached the age of 60 years, shall be granted a retiring allowance for life at a rate of one and one-quarter per centum of his or her normal full wages, salary or income for the year preceding retirement, multiplied by his or her years of service after his or her twenty-fifth birthday and not exceeding a maximum of forty (40) years' service.

Provided, however, the total amount of retiring allowance shall not exceed Three Thousand Dollars (\$3,000) per annum.

- (b) The amount of such annual retirement allowances shall be reduced by payments payable to the retiring employee through any established pension funds to which the Board and the employee jointly contribute.
- (c) No retiring allowance shall be payable to any employee who on the date of his retirement, is not a member of the Pension Plan of the Board, or who, if he was an employee on the 15th day of April, 1944, failed to become a member on or before the 1st day of June, 1951.

SCHEDULE D

EMPLOYEE shall mean full-time employee.

1. Each teaching employee and those paid on a 10 months' basis shall be entitled to sick leave for personal illness of twenty days in the year. Other employees paid on a 12 months' basis shall be entitled to a leave of 26 days. On January 1st each year the employee's sick leave account shall be credited with the current year's sick leave allowance.
2. Sick leave credits at December 31st, in any year, in the account of each employee of the staff, together with all his unused sick leave allowance shall be carried forward as a credit to his account the following January.
3. Debits in any calendar year in excess of the recognized sick leave allowance period shall be deducted from the cumulative credit balance but shall not reduce the total accumulating to the maximum.
4. Employees appointed during the year shall be considered as from January 1st of that year for sick leave purposes.
5. Absences for personal illness for a period not exceeding three working days may be certified to by the School Principal and approved by the Official concerned. Absences over three days must be certified to by a qualified medical or dental practitioner. When deemed necessary the employee must submit a certificate from the School Medical Officer.
6. Employees returning from War Service shall be allowed the maximum credit for sick leave accumulations during the period on Leave of Absence.
7. Deductions shall be made from the employee's sick leave account for the number of days absent with salary, due to personal illness. When the employee's sick leave account is exhausted, salary payments shall cease. The unused balance of each employee's sick leave account shall be carried forward each year to the credit of the employee.
8. The Director of Education and the Business Administrator of the Board may grant leave of absence to any employee for reasons other

than illness up to a maximum of one half day per working month in each calendar year without deduction of salary and any such absence or so much thereof possible shall be debited to such employee's current year's sick leave allowance and the balance, if any, shall be debited to his Accumulated Sick Leave Credit.

9. Absence for personal illness for a period not exceeding three consecutive working days may be certified to by the school principal and approved by the Official concerned, without any certificate from a qualified physician or a licentiate of dental surgery, and such absence or so much thereof as possible shall be debited to such employee's current year's sick leave allowance and the balance, if any, shall be debited to his Accumulated Sick Leave Credit.
10. A teaching employee or any other employee shall be allowed leave of absence without deduction of salary for a period not exceeding five consecutive days on account of the death of a blood relation or relative by marriage. Any extension of such period or leave of absence because of the death of a person other than those persons included in the class of persons mentioned aforesaid may be granted without deduction of salary by the Chairman of the Committee concerned or the Director of Education and the Business Administrator.
11. Each employee shall be entitled to his salary notwithstanding his absence from duty in any case where, because of exposure to a communicable disease, he is quarantined or otherwise prevented by the order of Medical Health authorities from attending upon his duties.
12. Each employee shall be allowed leave of absence without deduction of salary when absent for the purpose of Jury service or as a witness in any court to which he has been summoned in any proceedings to which he is not a party or one of the persons charged.
13. Each employee who is injured in the course of his duties and receives a salary award from the Workmen's Compensation Board by reason thereof shall have such award supplemented so as to provide for payment to him of his full salary up to a maximum of 66 days for any one accident and such supplementary award or so much thereof as is possible shall be debited to such employee's current year's sick leave allowance and the balance, if any, shall be debited to his Accumulated Sick Leave Credit.

In the event that an employee does not wish to use his sick leave credits to supplement his Workmen's Compensation salary award, he must give written notification to that effect to the Secretary-Treasurer of the Board within thirty days after the date of the accident.

14. Accumulated Sick Leave Credit of an employee during the whole of his employment with the Board, who is paid on a ten months' basis, shall not exceed a maximum of 200 days, and for an employee who is paid on a twelve months' basis, 310 days.

SCHEDULE E

PENSION PLAN

OF

THE BOARD OF EDUCATION

FOR

THE CITY OF HAMILTON

DEFINITIONS

1. In this Plan, unless the context otherwise requires,
 - (a) "Board" means The Board of Education for the City of Hamilton;

- (b) "employee" means any salaried officer, clerk, workman, servant or other person in the employ of the Board, except a teacher or inspector or a person who is classified by the Board as a part-time worker or an administrative officer who holds a certificate of qualification as a teacher and who is eligible to contribute to the Teachers' Superannuation Fund;
- (c) "permanent employee" means an employee who is so classified by the Board in accordance with the Board's regular employment regulations and practices;
- (d) "member" means a person who is a participant in the plan;
- (e) the masculine pronoun includes the feminine;
- (f) "service" means the exercise of an office, function or occupation with the Board;
- (g) "Annuities Branch" means the Government Annuities Branch of the Department of Labour of the Government of Canada and "contract with the Annuities Branch" means a contract with Her Majesty in accordance with the Government *Annuities Act* (Canada);
- (h) "Insurance Company" means such insurance company licensed under *The Insurance Act* of the Province of Ontario as may be designated by the Board;
- (i) "insurers" means the Annuities Branch and/or the Insurance Company;
- (j) "Plan" means the Pension Plan of the Board hereinafter set out;
- (k) "former plan" means the Pension Plan of the Board as in effect prior to the 1st day of January, 1956.

2.

EFFECTIVE DATE

This Plan is effective as and from the 1st day of January, 1956, herein called the "effective date", but shall be deemed to be a continuation of the former plan in revised form for the purposes of the Board's group annuity contract with the Annuities Branch and with respect to all persons who were employees and members of the former plan immediately prior to the effective date of this Plan. The provisions herein contained shall control and govern the operation and administration of the Plan, and the rights and interests of members and their beneficiaries, as and from the effective date except that nothing herein contained shall alter or affect the amount or the terms or conditions of payment of any pension under which payment of the pension commenced prior to the 1st of January, 1956 or the rights or interests of any person whose employment with the Board terminated prior to the 1st day of January, 1956 or of the beneficiary of any such former employee.

3.

ELIGIBILITY AND PARTICIPATION

- (a) Each person who was a member of the former plan immediately prior to the effective date of this Plan shall continue his participation but under this Plan and subject to its provisions except as otherwise provided in section 2.
- (b) Each person who, immediately prior to the effective date of this Plan, was an employee, had attained the age of 30 years and had become eligible to participate in the former plan but was not a member thereof shall be eligible to participate in this Plan as from any 1st day of a month, from and including the effective date, on which he is a permanent employee and has not attained what would be his normal retirement date under this Plan.
- (c) Each present male employee who does not automatically become a member of this Plan pursuant to subsection (a) of this section

and is not eligible to become a member pursuant to subsection (b) of this section and each future male employee shall be eligible to participate in this Plan, and must as a condition of continued employment by the Board become a member, as from the earliest 1st day of a month on which he

- (1) is a permanent employee;
 - (2) has attained the age of 25 years;
 - (3) has completed at least one year of continuous service with the Board; and
 - (4) has not attained what would be his normal retirement date under this Plan.
- (d) Each present female employee who does not automatically become a member of this Plan pursuant to subsection (a) of this section and is not eligible to become a member pursuant to subsection (b) of this section and each future female employee shall be eligible to participate in this Plan as from any 1st day of a month on which she
- (1) is a permanent employee;
 - (2) has attained the age of 25 years;
 - (3) has completed at least three years of continuous service with the Board; and
 - (4) has not attained what would be her normal retirement date under this Plan

but not later than the earliest 1st day of a month on which she fulfils the foregoing requirements and has attained the age of 30 years, on which date she must, as a condition of continued employment by the Board, be or become a member of this Plan.

- (e) A member may not withdraw from participation in this Plan while he is in service with the Board and has not attained his normal retirement date.
- (f) If a person re-enters the service of the Board, whether or not he was previously a member of this Plan, his separate periods of service will be treated independently and as if rendered by different individuals in applying the provisions of this Plan and in determining rights and benefits hereunder.

4.

RETIREMENT DATE

- (a) The normal retirement date of a member will be the 1st day of July immediately following his 65th birthday unless he was born in July or August, in which event his normal retirement date will be the 1st day of July immediately following his 64th birthday.
- (b) A member may be retired on any 1st day of a month before his normal retirement date for reasons of sickness or disability which have been established by medical evidence satisfactory to the Board and the pension thereupon payable will be on the reduced scale which the funds at his credit with the insurers will then provide.

5.

REGULAR FORM OF PENSION

The regular form of pension is one commencing on a member's normal or earliest retirement date and payable monthly to the member during his lifetime but with the guarantee that, if his death occurs before payments for sixty months have been made, the pension payments will be continued to his beneficiary, if any, otherwise to his estate for the balance of the sixty months. If the amount of pension payable to a member by either of the insurers would be less than \$10 per month, that insurer may make payment less frequently in adjusted amounts.

6.

DIFFERENT FORM OF PENSION

- (a) A member may elect any other form of pension that the insurers are prepared to make available to him. The Insurance Company has the right to require evidence satisfactory to it that the member is in good health before accepting any such election unless made at least five years before payment of the pension is to commence. Also, once an optional form of pension has been elected and the election accepted by the Insurance Company, the Insurance Company has the right to require evidence satisfactory to it that the member and his joint annuitant, if any, are in good health before accepting any change in the election or a cancellation of the election by the member unless made at least five years before payment of the pension is to commence.
- (b) Notwithstanding anything to the contrary in subsection (a) of this section, if a member elects a Joint and Last Survivorship pension and either the member or his joint annuitant dies before the first payment of the pension falls due, the election of the option will be cancelled automatically and all rights and benefits with respect to the member will be the same as though such election had not been made.

7.

PENSION CREDITS

- (a) A pension credit is an annual amount of pension of the regular form to commence at normal retirement date. Where a member has elected a different form of pension and/or arranged, with the consent of the Board, to have payment of his pension commence before normal retirement date, Board contributions with respect to the member will nevertheless be calculated as if no such election or arrangement had been made and as if Board contributions and the member's regular contributions purchased pension of the regular form to commence at normal retirement date. Also, although any such election or arrangement may alter the period during which purchases can be made from the Annuities Branch, Board contributions to the Annuities Branch with respect to the member during the period as so altered will be calculated as if Board contributions and the member's regular contributions purchased pension of the regular form to commence at normal retirement date and as if the Annuities Branch had no maximum limit. A member's regular pension credit is the pension credit arising from his own regular contributions and the Board contributions with respect to him and excludes the pension credit arising from any additional contributions he may have made.
- (b) A member's regular pension credit shall, subject to the provisions of sections 13 and 15, be equal to two per cent (2%) of the earnings as an employee on which he makes regular contributions after the effective date of this Plan plus, if he was an employee-member of the former plan immediately prior to the effective date of this Plan,
 - (1) the pension credit arising from his regular contributions under the former plan and the Board's contributions with respect to him under the former plan, or
 - (2) one-eighth of one per cent ($\frac{1}{8}\%$) of his regular annual salary at the effective date multiplied by the number of months elapsed from the 1st day of the month in which he became a member of the former plan up to the effective date of this Plan, whichever is the greater.

8.

MEMBER CONTRIBUTIONS

- (a) Each member shall make regular contributions of six per cent (6%) of each and every payment of his earnings as an employee from the date of his inclusion in this Plan up to his normal or earlier retirement date.

- (b) Any member who does not elect to make additional contributions, as provided in subsection (c) of this section, in respect of service rendered in the years in which he was not a contributor to this Plan or the former plan may make additional contributions in respect of future service provided that they shall not exceed the percentage of his earnings as an employee which corresponds to the number of years from his entry date to his normal retirement date, as indicated in the following table:

Number of Years from Date of Entry into this Plan (or former plan) until Normal Retirement Date	Maximum Percentage of Additional Future Service Contributions
36 - 40	1 %
31 - 35	2½ %
26 - 30	4 %
21 - 25	6 %
20 and under	10 %

- (c) Any member who does not elect to make additional contributions in respect of future service, as provided in subsection (b) of this section, may make additional contributions in respect of the years in which he was not a contributor to this Plan or the former plan. Such additional contributions may not exceed in the aggregate five per cent (5%) of the member's earnings from the employer up to the date of his inclusion in either this Plan or the former plan.

9. ABSENCE FROM WORK

Authorized absence, such as absence on leave or due to sickness or accident, will not constitute Termination of Service for the purposes of this Plan. In the event of unauthorized absence, the Board shall have the right to determine if and when such absence constitutes Termination of Service. A member's regular contributions will be suspended during any period that he is not receiving remuneration as an employee.

10. BOARD CONTRIBUTIONS

The Board will contribute the amount required, in addition to each member's regular contributions, in order that his regular pension credit will be as provided in subsection (b) of section 7. To avoid constant calculations, the Board will normally make its contribution as of the end of each calendar year but will make such special contributions, or arrangements with the insurers in connection therewith, as may be required in order that, upon a member's retirement during a year or immediately prior to section 13 or 15 becoming operative with respect to him or upon discontinuance of this Plan, the member's regular pension credit will be in the amount provided in subsection (b) of section 7 to the end that all rights and benefits under this Plan will be the same as if the regular pension credits were constantly maintained at the amounts provided in subsection (b) of section 7.

11. UNDERWRITING

- (a) To provide the benefits under this Plan, purchases with respect to a member will be made from the Annuities Branch or from the Insurance Company or from both. It is the intention of the Board that, in general, purchases from the Insurance Company with respect to a member will commence only if and when his pension credit at the Annuities Branch reaches the maximum permissible. Notwithstanding the foregoing, the Board shall have the right to decide that purchases from the Insurance Company with respect to any member, including remittance of all or part of the member's contributions and/or additional contributions to the Insurance Company, shall commence earlier and to determine what portion of the purchases with respect to any member are to be made from the Insurance Company.

- (b) Each of the insurers shall be liable for, but only for, the benefits purchased by contributions received by it. The sole liability of the Board shall be to remit to the insurers (not less frequently than quarterly) the contributions made by members and the Board contributions provided for in section 10.

12.

TRANSFERS

Where a member of:

- (i) the civil service of Ontario or Canada,
- (ii) the civic service of any municipality or of any other local board, or
- (iii) the staff of any board, commission or public institution established under any Act of the Legislature,

becomes an employee and a sum of money is transferred from any fund or plan maintained to provide superannuation benefits or pensions for the members of such civil or civic service or staff, as the case may be, to the credit of the employee, such sum shall be transferred into this Plan to the credit of the employee in the like manner as an additional contribution by such employee and the employee shall thereupon become a member of this Plan, notwithstanding anything to the contrary contained in section 3 of this Plan.

13.

DEATH BENEFITS

- (a) Should the death of a member occur before the first payment of his pension falls due, whether or not he is in the service of the Board at the date of his death, the total of his own contributions, with interest, and the percentage, if any, indicated in the Table following of the Board's contributions with respect to him, with interest, shall be paid to his beneficiary, if any, otherwise to his estate.

Years of Continuous Service with the Board	Percentage of Board Contributions and Interest
Less than 10	Nil
10 but less than 15	50%
15 but less than 20	75%
20 or more	100%

PROVIDED that, if the death of the member occurs before the first payment of his pension falls due and while he is in the service of the Board, the death benefit payable to his beneficiary, if any, otherwise to his estate shall not be less than the total of his own contributions, with interest, plus the contributions made by the Board with respect to him prior to the effective date of this Plan, with interest.

- (b) Should the death of a member occur on or after the due-date of the first payment of his pension, any payments remaining to be made under his pension shall be made as they respectively fall due to his beneficiary, if any, otherwise to his estate.

14.

BENEFICIARY

A member may name a beneficiary to receive any death benefit payable in accordance with section 13 and, subject to legal restrictions, will be permitted to change his beneficiary. Particulars of the method of naming a beneficiary or of changing his beneficiary will be furnished to a member upon request.

15.

TERMINATION OF SERVICE

- (a) If a member's service with the Board is terminated prior to his normal retirement date, otherwise than by death or by early

retirement as provided for in subsection (b) of section 4, he shall be entitled to the paid-up pension purchased by the total of his own contributions and by the percentage, if any, indicated in the Table following of the Board's contributions with respect to him.

Years of Continuous Service with the Board	Percentage of Board Purchase
Less than 10	Nil
10 but less than 15	50%
15 but less than 20	75%
20 or more	100%

The paid-up pension to which a member terminating service is entitled as aforesaid will carry with it all death benefits, optional pension rights and other benefits provided by his own contributions and by the percentage, if any, of the Board's contributions with respect to him.

- (b) A member who is entitled to a paid-up pension under the provisions of subsection (a) of this section may not withdraw his own contributions or the percentage, if any, of the Board's contributions with respect to him, except where a minimum pension provision of the Board's contracts with the insurers applies. If he is eligible for and accepts payment of the contributions at his credit under any contract, the payment will be in full satisfaction of all his rights under such contract and further benefits with respect to him under this Plan will be reduced or cancelled accordingly.

16. LIMITATION OF ASSIGNMENT

- (a) Pension and other benefits under this Plan are not assignable except that a beneficiary may assign his rights and interests to the member by whom he was appointed.
- (b) A member may not borrow against the contributions at his credit or against any benefit under the Plan.
- (c) A member may not withdraw the contributions at his credit under this Plan except as provided in subsection (b) of section 15 and except that if, at the time of his retirement, the funds at his credit are not sufficient to provide, pursuant to such options as are available to him, a pension on his life of \$120.00 a year to commence at his normal retirement date, the member may surrender his rights to receive a pension in consideration of a single payment being made to him of a sum not less than his contributions together with such interest, if any, as may be credited thereon.

17. RIGHT TO EMPLOYMENT AND BENEFITS

Participation in this Plan will not give any member the right to be retained in the service of the Board or any right or claim to pension or other benefits unless the right or claim to such benefits has specifically accrued under the provisions of this Plan.

18. ADMINISTRATION

The Board shall decide on all matters of any nature whatsoever in connection with the administration, interpretation or application of the Plan subject to law and to applicable provisions of the contracts entered into with the Annuities Branch and the Insurance Company.

19. CHANGE OR DISCONTINUANCE OF PLAN

The Board may, by resolution and with the approval of the Minister of Education of the Province of Ontario, amend this Plan at any time and from time to time or discontinue it at any time. If the Plan is discontinued, all members who are then in the service of the Board will be deemed, for the purposes of this Plan, to terminate service with the Board at the time of such discontinuance but to have completed twenty years or more of service with the Board.

BILL

An Act respecting The Board of Education
for the City of Hamilton

1st Reading

February 9th, 1956

2nd Reading

3rd Reading

MR. CONNELL

(Private Bill)

No. 19

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting
The Board of Education for the City of Hamilton

MR. CONNELL

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 19

1956

BILL

An Act respecting The Board of Education for the City of Hamilton

WHEREAS The Board of Education for the City of ^{Preamble}
Hamilton, hereinafter called the Board, by its petition
has prayed for special legislation in respect of the matters
hereinafter set forth; and whereas it is expedient to grant the
prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. All pensions, retirement allowances and sick leave <sup>Pensions,
etc., granted
before 1956
validated</sup>
credits granted or purporting to have been granted up until
the 31st day of December, 1955, to employees of the Board in
accordance with the several resolutions of the Board as set
forth in Schedules A, B, C and D hereto, and all payments of
money made by the Board pursuant thereto, are hereby
validated and declared to be legal, valid and binding upon the
Board and the ratepayers of The Corporation of the City of
Hamilton.

2. The several resolutions of the Board as set forth in <sup>Resolutions
validated</sup>
Schedules B, C and D hereto are hereby declared to be legal,
valid and binding upon the Board and the said ratepayers,
and the Board is hereby empowered to carry out all its obli-
gations that may arise from and under the said resolutions to
employees who entered the service of the Board on or before
the 31st day of December, 1955.

3. On and after the 1st day of January, 1956, the Pension <sup>Pension
plan
validated</sup>
Plan of the Board as set forth in Schedule A hereto shall be
as amended and set forth in Schedule E hereto and is hereby
declared to be legal, valid and binding upon the Board and
the said ratepayers, and the Board is hereby empowered
to carry out all its obligations that may arise thereunder.

4. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup>
Assent.

5. This Act may be cited as *The Hamilton Board of* ^{Short title}
Education Act, 1956.

SCHEDULE A

BOARD OF EDUCATION OF THE CITY OF HAMILTON, ONTARIO

PENSION PLAN

DEFINITIONS

- (a) Wherever used herein, "Employer" means Board of Education, Hamilton.
- (b) "Employee" shall mean any person designated as an employee and shall include any salaried officer, clerk, workman, servant or other person in the employ of the Board of Education for the City of Hamilton, except school teachers and inspectors to whom *The Teachers' and Inspectors' Superannuation Act* is applicable.
- (c) "Government" means the Annuities Branch, Department of Labour, Canada.
- (d) The masculine pronoun wherever used includes female employee, unless the context indicates otherwise.

EFFECTIVE DATE

The plan will become effective on and after April 15, 1944.

- (1) Each present male employee will be eligible to become a member of the Plan on the Effective Date if he then:
 - (a) has not attained Normal Retirement Age as specified herein,
 - (b) has completed at least one year of continuous employment with the Employer, and has attained the age of 25 years,
 - (c) has been classified by the Employer as a permanent employee.
- (2) Each present female employee will be eligible to become a member of the Plan on the Effective Date if she then:
 - (a) has not attained Normal Retirement Age as specified herein,
 - (b) has completed at least three years of continuous employment with the Employer, and has attained the age of 25 years,
 - (c) has been classified by the Employer as a permanent employee.
- (3) Each present employee who is not eligible to become a member of the Plan on the Effective Date, will be eligible to become a member on the first day of the month immediately following the date on which the conditions applicable to himself, as set forth in paragraphs 1, 2, hereof, are fulfilled.
- (4) Each male person who becomes an employee after the Effective Date of the Plan, must as a condition of employment, become a member of the Plan on the first day of the month immediately following the date on which the conditions applicable to himself, as set forth in paragraphs 1 or 2, are fulfilled.
- (5) Each female who becomes an employee after the Effective Date of the Plan must as a condition of employment, become a member of the Plan on the first day of the month immediately following the date on which she has completed three years of continuous employment with the Employer, and has attained the age of 30 years, if she is then under the Normal Retirement Age and is classified as

a permanent employee. Each such female employee, may, however, become a member of the Plan on the first day of the month immediately following the date on which she has completed three years of continuous employment with the Employer, and has attained the age of 25 years, if she so wishes.

- (6) Each employee who has volunteered or who has been drafted for military service prior to the Effective Date of the Plan or prior to becoming eligible, and who returns to active service with the Employer within six months after the discharge from military service, will be eligible to become a member on the first day of the month following return to work, or following completion of the eligibility conditions.

HOW TO BECOME A MEMBER OF THE PLAN

- (7) To become a member of the Plan an eligible employee must sign the form of application provided, and authorize the required payroll deductions.
- (8) Any employee who becomes a member of the Plan may not, except with the consent of the Employer, withdraw from it as long as he is in the employ of the Employer and under Retirement Age. An employee who so withdraws may be considered for purposes of this Plan, as having terminated his services, and no further contributions will be made by him or by the Employer on his behalf under this Plan.
- (9) The Normal Retirement Date of a member will be the first day of July coincident with or immediately following the attainment of Normal Retirement Age which is the sixty-fifth birthday. However, for a member who was born in the months of July or August, the Normal Retirement Date will be the first day of July immediately following the attainment of Normal Retirement Age which is the sixty-fourth birthday.

EMPLOYEES OVER NORMAL RETIREMENT AGE

- (10) Each employee who is over Normal Retirement Age, as specified herein, at the Effective Date of the Plan, will be retired at a date to be determined by the Employer, and will receive from date of actual Retirement the amount of annuity determined by his years of past service up to the Effective Date of the Plan, in accordance with Paragraph 18 thereof.

CONTRIBUTIONS

- (11) **EMPLOYEE:** Each member of the Plan will contribute an amount equal to 5% of his Earnings.
- (12) **EMPLOYER:** For each member of the Plan, the Employer will contribute an amount equal to 5% of his earnings for service rendered after the Effective Date of the Plan (hereinafter referred to as Future Service contributions).
- (13) The Employer will also contribute such amounts as may be necessary to purchase annuities in respect of service prior to the Effective Date of the Plan, as herein provided, (hereinafter referred to as Past Service Contributions).
- (13) (a) In addition to the Past Service Contributions made by the Employer, as outlined in Section (13) hereof, a member may, if he wishes, contribute in respect of his past service to a total amount not greater than 5% of his total earnings during his years of service prior to joining the Plan, provided, however, that the contributions so made do not exceed \$900.00 in any one year.
- (14) The contributions of a member will be remitted to the Government at the end of each three months' period, together with the Employer contributions for same period. If the contributions made by and

on behalf of a member become sufficient before his Retirement Date to purchase the maximum annuity available to him from the Government (\$1,200.00 per year) no further contributions will be payable to the Government by the member or by the Employer on his behalf.

- (15) For the purposes of this Plan, the Employer's determination of a member's earnings and length of service shall be conclusive. The portion of a member's earnings which exceeds \$6,000.00 per year shall not be taken into consideration for purposes of calculating contributions or benefits under the Plan.

AMOUNT OF RETIREMENT ANNUITY

- (16) **FUTURE SERVICE:** (Being the service rendered by a member after the Effective Date of the Plan).
Each member of the Plan will receive at Normal Retirement Date, subject to the terms of this Plan, the amount of annuity purchased by the contributions made by the member himself and by the Employer on his behalf for Future Service.
- (17) **PAST SERVICE:** (Being service rendered by a member prior to the Effective Date of the Plan).
Each eligible employee who becomes a member of the Plan on the Effective Date, or within 60 days thereof, will receive, commencing at Normal Retirement Date, subject to the terms of this Plan, a Past Service Annuity equal to \$12.00 for each completed year of service up to the Effective Date of the Plan, excluding any years of service prior to the date which is 40 years before a male member's Normal Retirement Age and excluding any years of service prior to the date which is 35 years before a female member's Normal Retirement Age. The cost of such Past Service annuities will be borne entirely by the Employer.
- (18) In calculating the number of years of past service of employees who have been or who are absent on military service, and who subsequently become members of the Plan in accordance with Paragraph 7 hereof, credit shall also be given for the period of military service up to the Effective Date of the Plan.

MAXIMUM ANNUITY UNDER THE PLAN

- (19) The maximum annuity that may be received by a member under this Plan is \$1,200. per year. The maximum annuity available from the Government on the life of a member is \$1,200. per year, in which will be included the amount of annuity to which a member may be or may become entitled under an individual Government Contract on his life at the time of becoming a member of the Plan, and if he is thereby precluded from receiving the maximum annuity under the Plan from the Government, contributions under the Plan will be remitted to the Government, until the maximum annuity available to the member from the Government has been purchased, and thereafter contributions will be remitted to such Insurance Company, licensed to do business in Canada, as the Employer may designate, until the maximum annuity under the Plan has been purchased, or until the member attains Normal Retirement Age, whichever occurs first.

PAYMENT OF RETIREMENT ANNUITY

- (20) The Retirement Annuity will commence on the Retirement Date of the member, and will be payable in monthly instalments as long as he lives, provided that sixty monthly instalments will be paid in any event.

OPTIONAL TYPES OF ANNUITY

- (21) In place of the Normal Type of Annuity as described in Paragraph 20, a member may, at any time more than five years before his Retirement Annuity commences, or within six months from his date of Registration with the Government, choose any one of the following types:—

- (a) Joint and Survivorship annuity: Providing a smaller annuity, but payable during the lifetime of the member and other person, generally his wife, and continuing until the death of the survivor.
- (b) Annuity payable for life, but 120, 180, or 240 annuity instalments guaranteed in any event.
- (c) Annuity payable for life, and ceasing with the last instalment due before the date of death.

Information will be supplied on request, showing the approximate amount of annuity that would be received under any one of these options.

TERMINATION OF EMPLOYMENT

- (22) If for any reason other than his death, a member should cease to be employed by the Employer prior to his Normal Retirement Date, the total of the contributions which he has made under the Plan will remain at his credit with the Government, to provide him with an Annuity commencing at Normal Retirement Date or any earlier anniversary thereof. The member will have the privilege of continuing contributions in order to increase his annuity.
- (23) In addition, if at Date of Termination, the member has completed at least twenty years of employment with the Employer he will receive at Normal Retirement Date, or an earlier anniversary thereof, the amount of annuity purchased by the Future Service and Past Service contributions remitted by the Employer on his behalf.
- (24) If a member is convicted of a criminal offence arising out of a breach of trust, embezzlement or fraud committed in the course of his employment with the Employer, he will hereby forfeit any right to or in receipt of Past Service and Future Service contributions made by the Employer on his behalf, or to any payment calculated by reference to any such contributions under this Plan, if notice of the conviction is received by the Government before payment is made to the member, or to his designated Beneficiary or legal representative.

RE-EMPLOYMENT

- (25) Any member whose employment has been terminated and who is subsequently re-employed by the Employer will, for the purposes of this Plan, be considered a new employee.

EARLY RETIREMENT

- (26) Under special circumstances and with the consent of the Employer, a member may be permitted to retire on the first day of any month in the five year period immediately preceding Normal Retirement Date, or at any other time for reasons of sickness or disability, as determined by the Employer. The amount of annuity thereupon payable to the member will be on a reduced scale, and will be determined by his attained age and by all contributions made by himself and by the Employer on his behalf.

DEATH BENEFITS

- (27) BEFORE RETIREMENT: If a member dies before the first instalment of his Retirement Annuity is due, whether or not he is in the employ of the Employer at the date of death, an amount equal to the contributions he has made under the Plan will be paid to his designated Beneficiary in a lump sum, together with interest thereon up to the date of death, as provided in the Government *Annuities Act* (R.S.C. 1927, Chapter 7, as amended by Chapter 33, Statutes of 1931). The current rate of interest is 4% per year, compounded yearly.
- (28) In addition, if at the date of death, the member is in the employ of the employer, or has terminated his employment with the Employer,

after completion of at least 20 years of employment, an amount equal to the Past Service and Future Service contributions made by the Employer on his behalf, together with interest thereon as described in Paragraph 27, will be paid to his designated Beneficiary.

- (29) **AFTER RETIREMENT:** If a member dies after the first instalment of his Retirement Annuity has become due, and before sixty monthly payments have been received, the annuity payments will be continued to his designated Beneficiary as they become due, until sixty monthly payments in all have been made.

However, if a member has elected an optional type of annuity, the death benefits, if any, will be determined accordingly.

ABSENCES FROM WORK

- (30) Authorized absences from work shall not constitute termination of employment for the purposes of this Plan, but will be governed as follows:
- (a) If the member receives pay, contributions will continue and he will be entitled to all benefits as though he were actually at work.
 - (b) If the member does not receive pay, contributions will cease but any benefits previously purchased will not be affected. Upon return to active service with the Employer, contributions will be resumed.

MINIMUM ANNUITY FROM THE GOVERNMENT

- (31) If, at his Normal Retirement Date, the contributions at the credit of a member, including his own and those made by the Employer on his behalf, are not sufficient to purchase him an annuity of \$10.00 per year, such contributions will be paid to the member in a lump sum together with interest thereon as provided in the Government *Annuities Act* (R.S.C. 1927, Chapter 7, as amended by Chapter 33, Statutes of 1927) and the regulations made thereunder in lieu of the annuity purchased thereby.

LIMITATION OF ASSIGNMENT

- (32) (a) The Retirement Annuity and other benefits under the Plan are not assignable, whether by voluntary action or by operation of law.
- (b) A member may not borrow against his contributions nor withdraw them at any time.

RIGHT TO EMPLOYMENT OR BENEFITS

- (33) Participation in this Plan will not give any member the right to be retained in the service of the Employer, or any right or claim to benefits, unless the right to such benefits has specifically accrued under the terms of this Plan.

ADMINISTRATION OF THE PLAN

- (34) The Employer reserves the right to decide all matters arising in the administration and interpretation of the Plan, subject to law and the Government *Annuities Act*, (R.S.C. 1927, Chapter 7, as amended Chapter 33, Statutes of 1931) and the rules and regulations made thereunder. It will be the obligation of the Employer to pay over to the Government the contributions collected from the members together with the contributions required to be made by the Employer under the Plan, and it will be the obligation of the Government to pay benefits in accordance with contributions received.

CHANGE OR MODIFICATION

- (35) The Employer hopes and expects to continue the Plan indefinitely, but reserves the right to change or modify it at any time. Any change

or modification in the Plan shall not affect the terms of payment of, or the amount of, Retirement Annuity purchased prior to the date of such change or modification.

REGULATIONS UNDER THE PLAN

1. Present Employees' Option of becoming members of the Plan:

All employees in the service of the Employer on the Effective Date of the Plan, who are or who will be eligible to become members of the Plan will be required to decide within 60 days of the date they become eligible, whether or not they desire to become members of the Plan.

The decision in such cases shall be final and binding, and those employees who elect not to become members, shall sign a waiver, and shall not be permitted to become members after a period of 60 days has elapsed.

PROOF OF AGE

2. (a) At the time of joining the Plan, or as soon thereafter as possible a member will send to the Government a birth or baptismal certificate, as proof of his date of birth. The birth or baptismal certificate will be returned to the member.
- (b) If a birth or baptismal certificate cannot be obtained the member will submit a STATUTORY DECLARATION as to the date of birth by parent, or a copy of the entry of his date of birth in the Family Bible, certified to be a true copy by a Lawyer, Justice of the Peace, Notary Public, or Commissioner for taking oaths.
- (c) If such cannot be obtained, the member will submit a STATUTORY DECLARATION by a responsible person having cause to know of his date of birth, stating that no other documentary proof of age can be obtained.
- (d) If such cannot be obtained, the member will himself submit a STATUTORY DECLARATION as to his date of birth, stating that no other proof of age can be obtained.

BENEFICIARY

3. Each employee, on becoming a member of the Plan, may designate ANY ONE person his Beneficiary to receive such sums as may be payable on or after his death, reserving the right to change the Beneficiary from time to time with the assent of the Government. If, on the death of the member, there should be no living designated Beneficiary with respect to himself, such sums as would otherwise be payable to his designated Beneficiary, will be payable to the legal representative of the member.

MEMBER'S CERTIFICATE OR CONTRACT

4. Each member of the Plan will receive from the Government a certificate as evidence of his inclusion under the Group Annuity Contract issued by the Government to the Employer. At his date of retirement, or at his date of final termination of service, the member will receive an individual Government Annuity Contract, specifying the amount of annuity, and any other benefits, to which he has become entitled.

RECEIPTS FOR PAYMENTS

5. The Government will provide receipts to each payment of a member's contributions received by the Government. These receipts will be transmitted to the member through the Employer.

TERMINATION OF SERVICE

6. A member shall be deemed to have finally terminated his service with the Employer when, in the opinion of the Pension Committee, or failing such, of the Employer, he has left the employ of the Employer without reason to believe that he will be further employed.

SUSPENSION OF SERVICE

7. A member shall be deemed to have suspended his service with the Employer, when he is temporarily off duty without pay for any reason other than on account of illness or accident, except as otherwise provided herein or in the Plan.

DISABILITY

8. "Disability" as set out in the Plan shall be interpreted to mean that a member has furnished satisfactory medical testimony, as may be required, that he is unable to continue further at his employment.

 SCHEDULE B

- (a) "DEPENDENT" in this part shall mean such of the members of the family of an employee as were wholly dependent upon his earnings at the time of his death and whether such members are so dependent shall be determined by the Board.
- (b) A fund shall be established by the Board to be known as the "EMPLOYEES' INSURANCE FUND" and, in the event of the death of an employee while in the employment of the Board and prior to his retirement, such employee's dependent shall be paid from such fund an amount equal to one month's salary for each year during the period of the employment of such employee; provided, however, that such amount shall not exceed the annual salary which such employee was receiving at the time of his death.
- (c) Where an employee, having reached the age of sixty years or after having been for twenty years in the service of the Board, retires at such time as may be fixed by the Board for retirement, the Board shall pay such employee a retiring allowance equal to one month's salary for each year during the term of his employment; provided, however, that such retiring allowance shall not exceed the annual salary that such employee was receiving at the time of his retirement and provided, further, that, in the event of an employee retiring prior to the time fixed by the Board for retirement but after such employee has reached the age of sixty years or after having been for twenty years in the service of the Board, a retiring allowance may be granted in the discretion of the Board to such employee for such amount as the Board may determine.
- (d) That in the case of female employees who retire to get married, if they have given 30 years or more service with the Board of Education for the City of Hamilton, they may be eligible for the gratuity.

To women cleaners, having reached the age of sixty and having 20 years in the service of the Board, who retire, the Board shall pay a retiring allowance equal to the average annual amount received by such employee for the previous three years.

SCHEDULE C

- (a) Any full-time employee, not eligible for payments under *The Teachers' Superannuation Act*, in the service of the Board on and after the 1st day of June 1949 and who may be retired from the service of the Board of Education after twenty (20) years' service, or who has reached the age of 60 years, shall be granted a retiring allowance for life at a rate of one and one-quarter per centum of his or her normal full wages, salary or income for the year preceding retirement, multiplied by his or her years of service after his or her twenty-fifth birthday and not exceeding a maximum of forty (40) years' service.

Provided, however, the total amount of retiring allowance shall not exceed Three Thousand Dollars (\$3,000) per annum.

- (b) The amount of such annual retirement allowances shall be reduced by payments payable to the retiring employee through any established pension funds to which the Board and the employee jointly contribute.
- (c) No retiring allowance shall be payable to any employee who on the date of his retirement, is not a member of the Pension Plan of the Board, or who, if he was an employee on the 15th day of April, 1944, failed to become a member on or before the 1st day of June, 1951.

SCHEDULE D

EMPLOYEE shall mean full-time employee.

1. Each teaching employee and those paid on a 10 months' basis shall be entitled to sick leave for personal illness of twenty days in the year. Other employees paid on a 12 months' basis shall be entitled to a leave of 26 days. On January 1st each year the employee's sick leave account shall be credited with the current year's sick leave allowance.
2. Sick leave credits at December 31st, in any year, in the account of each employee of the staff, together with all his unused sick leave allowance shall be carried forward as a credit to his account the following January.
3. Debits in any calendar year in excess of the recognized sick leave allowance period shall be deducted from the cumulative credit balance but shall not reduce the total accumulating to the maximum.
4. Employees appointed during the year shall be considered as from January 1st of that year for sick leave purposes.
5. Absences for personal illness for a period not exceeding three working days may be certified to by the School Principal and approved by the Official concerned. Absences over three days must be certified to by a qualified medical or dental practitioner. When deemed necessary the employee must submit a certificate from the School Medical Officer.
6. Employees returning from War Service shall be allowed the maximum credit for sick leave accumulations during the period on Leave of Absence.
7. Deductions shall be made from the employee's sick leave account for the number of days absent with salary, due to personal illness. When the employee's sick leave account is exhausted, salary payments shall cease. The unused balance of each employee's sick leave account shall be carried forward each year to the credit of the employee.
8. The Director of Education and the Business Administrator of the Board may grant leave of absence to any employee for reasons other

than illness up to a maximum of one half day per working month in each calendar year without deduction of salary and any such absence or so much thereof possible shall be debited to such employee's current year's sick leave allowance and the balance, if any, shall be debited to his Accumulated Sick Leave Credit.

9. Absence for personal illness for a period not exceeding three consecutive working days may be certified to by the school principal and approved by the Official concerned, without any certificate from a qualified physician or a licentiate of dental surgery, and such absence or so much thereof as possible shall be debited to such employee's current year's sick leave allowance and the balance, if any, shall be debited to his Accumulated Sick Leave Credit.
10. A teaching employee or any other employee shall be allowed leave of absence without deduction of salary for a period not exceeding five consecutive days on account of the death of a blood relation or relative by marriage. Any extension of such period or leave of absence because of the death of a person other than those persons included in the class of persons mentioned aforesaid may be granted without deduction of salary by the Chairman of the Committee concerned or the Director of Education and the Business Administrator.
11. Each employee shall be entitled to his salary notwithstanding his absence from duty in any case where, because of exposure to a communicable disease, he is quarantined or otherwise prevented by the order of Medical Health authorities from attending upon his duties.
12. Each employee shall be allowed leave of absence without deduction of salary when absent for the purpose of Jury service or as a witness in any court to which he has been summoned in any proceedings to which he is not a party or one of the persons charged.
13. Each employee who is injured in the course of his duties and receives a salary award from the Workmen's Compensation Board by reason thereof shall have such award supplemented so as to provide for payment to him of his full salary up to a maximum of 66 days for any one accident and such supplementary award or so much thereof as is possible shall be debited to such employee's current year's sick leave allowance and the balance, if any, shall be debited to his Accumulated Sick Leave Credit.

In the event that an employee does not wish to use his sick leave credits to supplement his Workmen's Compensation salary award, he must give written notification to that effect to the Secretary-Treasurer of the Board within thirty days after the date of the accident.

14. Accumulated Sick Leave Credit of an employee during the whole of his employment with the Board, who is paid on a ten months' basis, shall not exceed a maximum of 200 days, and for an employee who is paid on a twelve months' basis, 310 days.

SCHEDULE E

PENSION PLAN

OF

THE BOARD OF EDUCATION

FOR

THE CITY OF HAMILTON

DEFINITIONS

1. In this Plan, unless the context otherwise requires,
 - (a) "Board" means The Board of Education for the City of Hamilton;

- (b) "employee" means any salaried officer, clerk, workman, servant or other person in the employ of the Board, except a teacher or inspector or a person who is classified by the Board as a part-time worker or an administrative officer who holds a certificate of qualification as a teacher and who is eligible to contribute to the Teachers' Superannuation Fund;
- (c) "permanent employee" means an employee who is so classified by the Board in accordance with the Board's regular employment regulations and practices;
- (d) "member" means a person who is a participant in the plan;
- (e) the masculine pronoun includes the feminine;
- (f) "service" means the exercise of an office, function or occupation with the Board;
- (g) "Annuities Branch" means the Government Annuities Branch of the Department of Labour of the Government of Canada and "contract with the Annuities Branch" means a contract with Her Majesty in accordance with the Government *Annuities Act* (Canada);
- (h) "Insurance Company" means such insurance company licensed under *The Insurance Act* of the Province of Ontario as may be designated by the Board;
- (i) "insurers" means the Annuities Branch and/or the Insurance Company;
- (j) "Plan" means the Pension Plan of the Board hereinafter set out;
- (k) "former plan" means the Pension Plan of the Board as in effect prior to the 1st day of January, 1956.

2.

EFFECTIVE DATE

This Plan is effective as and from the 1st day of January, 1956, herein called the "effective date", but shall be deemed to be a continuation of the former plan in revised form for the purposes of the Board's group annuity contract with the Annuities Branch and with respect to all persons who were employees and members of the former plan immediately prior to the effective date of this Plan. The provisions herein contained shall control and govern the operation and administration of the Plan, and the rights and interests of members and their beneficiaries, as and from the effective date except that nothing herein contained shall alter or affect the amount or the terms or conditions of payment of any pension under which payment of the pension commenced prior to the 1st of January, 1956 or the rights or interests of any person whose employment with the Board terminated prior to the 1st day of January, 1956 or of the beneficiary of any such former employee.

3.

ELIGIBILITY AND PARTICIPATION

- (a) Each person who was a member of the former plan immediately prior to the effective date of this Plan shall continue his participation but under this Plan and subject to its provisions except as otherwise provided in section 2.
- (b) Each person who, immediately prior to the effective date of this Plan, was an employee, had attained the age of 30 years and had become eligible to participate in the former plan but was not a member thereof shall be eligible to participate in this Plan as from any 1st day of a month, from and including the effective date, on which he is a permanent employee and has not attained what would be his normal retirement date under this Plan.
- (c) Each present male employee who does not automatically become a member of this Plan pursuant to subsection (a) of this section

and is not eligible to become a member pursuant to subsection (b) of this section and each future male employee shall be eligible to participate in this Plan, and must as a condition of continued employment by the Board become a member, as from the earliest 1st day of a month on which he

- (1) is a permanent employee;
 - (2) has attained the age of 25 years;
 - (3) has completed at least one year of continuous service with the Board; and
 - (4) has not attained what would be his normal retirement date under this Plan.
- (d) Each present female employee who does not automatically become a member of this Plan pursuant to subsection (a) of this section and is not eligible to become a member pursuant to subsection (b) of this section and each future female employee shall be eligible to participate in this Plan as from any 1st day of a month on which she
- (1) is a permanent employee;
 - (2) has attained the age of 25 years;
 - (3) has completed at least three years of continuous service with the Board; and
 - (4) has not attained what would be her normal retirement date under this Plan

but not later than the earliest 1st day of a month on which she fulfils the foregoing requirements and has attained the age of 30 years, on which date she must, as a condition of continued employment by the Board, be or become a member of this Plan.

- (e) A member may not withdraw from participation in this Plan while he is in service with the Board and has not attained his normal retirement date.
- (f) If a person re-enters the service of the Board, whether or not he was previously a member of this Plan, his separate periods of service will be treated independently and as if rendered by different individuals in applying the provisions of this Plan and in determining rights and benefits hereunder.

4.

RETIREMENT DATE

- (a) The normal retirement date of a member will be the 1st day of July immediately following his 65th birthday unless he was born in July or August, in which event his normal retirement date will be the 1st day of July immediately following his 64th birthday.
- (b) A member may be retired on any 1st day of a month before his normal retirement date for reasons of sickness or disability which have been established by medical evidence satisfactory to the Board and the pension thereupon payable will be on the reduced scale which the funds at his credit with the insurers will then provide.

5.

REGULAR FORM OF PENSION

The regular form of pension is one commencing on a member's normal or earlier retirement date and payable monthly to the member during his lifetime but with the guarantee that, if his death occurs before payments for sixty months have been made, the pension payments will be continued to his beneficiary, if any, otherwise to his estate for the balance of the sixty months. If the amount of pension payable to a member by either of the insurers would be less than \$10 per month, that insurer may make payment less frequently in adjusted amounts.

6.

DIFFERENT FORM OF PENSION

- (a) A member may elect any other form of pension that the insurers are prepared to make available to him. The Insurance Company has the right to require evidence satisfactory to it that the member is in good health before accepting any such election unless made at least five years before payment of the pension is to commence. Also, once an optional form of pension has been elected and the election accepted by the Insurance Company, the Insurance Company has the right to require evidence satisfactory to it that the member and his joint annuitant, if any, are in good health before accepting any change in the election or a cancellation of the election by the member unless made at least five years before payment of the pension is to commence.
- (b) Notwithstanding anything to the contrary in subsection (a) of this section, if a member elects a Joint and Last Survivorship pension and either the member or his joint annuitant dies before the first payment of the pension falls due, the election of the option will be cancelled automatically and all rights and benefits with respect to the member will be the same as though such election had not been made.

7.

PENSION CREDITS

- (a) A pension credit is an annual amount of pension of the regular form to commence at normal retirement date. Where a member has elected a different form of pension and/or arranged, with the consent of the Board, to have payment of his pension commence before normal retirement date, Board contributions with respect to the member will nevertheless be calculated as if no such election or arrangement had been made and as if Board contributions and the member's regular contributions purchased pension of the regular form to commence at normal retirement date. Also, although any such election or arrangement may alter the period during which purchases can be made from the Annuities Branch, Board contributions to the Annuities Branch with respect to the member during the period as so altered will be calculated as if Board contributions and the member's regular contributions purchased pension of the regular form to commence at normal retirement date and as if the Annuities Branch had no maximum limit. A member's regular pension credit is the pension credit arising from his own regular contributions and the Board contributions with respect to him and excludes the pension credit arising from any additional contributions he may have made.
- (b) A member's regular pension credit shall, subject to the provisions of sections 13 and 15, be equal to two per cent (2%) of the earnings as an employee on which he makes regular contributions after the effective date of this Plan plus, if he was an employee-member of the former plan immediately prior to the effective date of this Plan,
 - (1) the pension credit arising from his regular contributions under the former plan and the Board's contributions with respect to him under the former plan, or
 - (2) one-eighth of one per cent (1.25%) of his regular annual salary at the effective date multiplied by the number of months elapsed from the 1st day of the month in which he became a member of the former plan up to the effective date of this Plan,
 whichever is the greater.

8.

MEMBER CONTRIBUTIONS

- (a) Each member shall make regular contributions of six per cent (6%) of each and every payment of his earnings as an employee from the date of his inclusion in this Plan up to his normal or earlier retirement date.

- (b) Any member who does not elect to make additional contributions, as provided in subsection (c) of this section, in respect of service rendered in the years in which he was not a contributor to this Plan or the former plan may make additional contributions in respect of future service provided that they shall not exceed the percentage of his earnings as an employee which corresponds to the number of years from his entry date to his normal retirement date, as indicated in the following table:

Number of Years from Date of Entry into this Plan (or former plan) until Normal Retirement Date	Maximum Percentage of Additional Future Service Contributions
36 - 40	1 %
31 - 35	2½ %
26 - 30	4 %
21 - 25	6 %
20 and under	10 %

- (c) Any member who does not elect to make additional contributions in respect of future service, as provided in subsection (b) of this section, may make additional contributions in respect of the years in which he was not a contributor to this Plan or the former plan. Such additional contributions may not exceed in the aggregate five per cent (5%) of the member's earnings from the employer up to the date of his inclusion in either this Plan or the former plan.

9. ABSENCE FROM WORK

Authorized absence, such as absence on leave or due to sickness or accident, will not constitute Termination of Service for the purposes of this Plan. In the event of unauthorized absence, the Board shall have the right to determine if and when such absence constitutes Termination of Service. A member's regular contributions will be suspended during any period that he is not receiving remuneration as an employee.

10. BOARD CONTRIBUTIONS

The Board will contribute the amount required, in addition to each member's regular contributions, in order that his regular pension credit will be as provided in subsection (b) of section 7. To avoid constant calculations, the Board will normally make its contribution as of the end of each calendar year but will make such special contributions, or arrangements with the insurers in connection therewith, as may be required in order that, upon a member's retirement during a year or immediately prior to section 13 or 15 becoming operative with respect to him or upon discontinuance of this Plan, the member's regular pension credit will be in the amount provided in subsection (b) of section 7 to the end that all rights and benefits under this Plan will be the same as if the regular pension credits were constantly maintained at the amounts provided in subsection (b) of section 7.

11. UNDERWRITING

- (a) To provide the benefits under this Plan, purchases with respect to a member will be made from the Annuities Branch or from the Insurance Company or from both. It is the intention of the Board that, in general, purchases from the Insurance Company with respect to a member will commence only if and when his pension credit at the Annuities Branch reaches the maximum permissible. Notwithstanding the foregoing, the Board shall have the right to decide that purchases from the Insurance Company with respect to any member, including remittance of all or part of the member's contributions and/or additional contributions to the Insurance Company, shall commence earlier and to determine what portion of the purchases with respect to any member are to be made from the Insurance Company.

- (b) Each of the insurers shall be liable for, but only for, the benefits purchased by contributions received by it. The sole liability of the Board shall be to remit to the insurers (not less frequently than quarterly) the contributions made by members and the Board contributions provided for in section 10.

12.

TRANSFERS

Where a member of:

- (i) the civil service of Ontario or Canada,
- (ii) the civic service of any municipality or of any other local board, or
- (iii) the staff of any board, commission or public institution established under any Act of the Legislature,

becomes an employee and a sum of money is transferred from any fund or plan maintained to provide superannuation benefits or pensions for the members of such civil or civic service or staff, as the case may be, to the credit of the employee, such sum shall be transferred into this Plan to the credit of the employee in the like manner as an additional contribution by such employee and the employee shall thereupon become a member of this Plan, notwithstanding anything to the contrary contained in section 3 of this Plan.

13.

DEATH BENEFITS

- (a) Should the death of a member occur before the first payment of his pension falls due, whether or not he is in the service of the Board at the date of his death, the total of his own contributions, with interest, and the percentage, if any, indicated in the Table following of the Board's contributions with respect to him, with interest, shall be paid to his beneficiary, if any, otherwise to his estate.

Years of Continuous Service with the Board	Percentage of Board Contributions and Interest
Less than 10	Nil
10 but less than 15	50%
15 but less than 20	75%
20 or more	100%

PROVIDED that, if the death of the member occurs before the first payment of his pension falls due and while he is in the service of the Board, the death benefit payable to his beneficiary, if any, otherwise to his estate shall not be less than the total of his own contributions, with interest, plus the contributions made by the Board with respect to him prior to the effective date of this Plan, with interest.

- (b) Should the death of a member occur on or after the due-date of the first payment of his pension, any payments remaining to be made under his pension shall be made as they respectively fall due to his beneficiary, if any, otherwise to his estate.

14.

BENEFICIARY

A member may name a beneficiary to receive any death benefit payable in accordance with section 13 and, subject to legal restrictions, will be permitted to change his beneficiary. Particulars of the method of naming a beneficiary or of changing his beneficiary will be furnished to a member upon request.

15.

TERMINATION OF SERVICE

- (a) If a member's service with the Board is terminated prior to his normal retirement date, otherwise than by death or by early

retirement as provided for in subsection (b) of section 4, he shall be entitled to the paid-up pension purchased by the total of his own contributions and by the percentage, if any, indicated in the Table following of the Board's contributions with respect to him.

Years of Continuous Service with the Board	Percentage of Board Purchase
Less than 10	Nil
10 but less than 15	50%
15 but less than 20	75%
20 or more	100%

The paid-up pension to which a member terminating service is entitled as aforesaid will carry with it all death benefits, optional pension rights and other benefits provided by his own contributions and by the percentage, if any, of the Board's contributions with respect to him.

- (b) A member who is entitled to a paid-up pension under the provisions of subsection (a) of this section may not withdraw his own contributions or the percentage, if any, of the Board's contributions with respect to him, except where a minimum pension provision of the Board's contracts with the insurers applies. If he is eligible for and accepts payment of the contributions at his credit under any contract, the payment will be in full satisfaction of all his rights under such contract and further benefits with respect to him under this Plan will be reduced or cancelled accordingly.

16. LIMITATION OF ASSIGNMENT

- (a) Pension and other benefits under this Plan are not assignable except that a beneficiary may assign his rights and interests to the member by whom he was appointed.
- (b) A member may not borrow against the contributions at his credit or against any benefit under the Plan.
- (c) A member may not withdraw the contributions at his credit under this Plan except as provided in subsection (b) of section 15 and except that if, at the time of his retirement, the funds at his credit are not sufficient to provide, pursuant to such options as are available to him, a pension on his life of \$120.00 a year to commence at his normal retirement date, the member may surrender his rights to receive a pension in consideration of a single payment being made to him of a sum not less than his contributions together with such interest, if any, as may be credited thereon.

17. RIGHT TO EMPLOYMENT AND BENEFITS

Participation in this Plan will not give any member the right to be retained in the service of the Board or any right or claim to pension or other benefits unless the right or claim to such benefits has specifically accrued under the provisions of this Plan.

18. ADMINISTRATION

The Board shall decide on all matters of any nature whatsoever in connection with the administration, interpretation or application of the Plan subject to law and to applicable provisions of the contracts entered into with the Annuities Branch and the Insurance Company.

19. CHANGE OR DISCONTINUANCE OF PLAN

The Board may, by resolution and with the approval of the Minister of Education of the Province of Ontario, amend this Plan at any time and from time to time or discontinue it at any time. If the Plan is discontinued, all members who are then in the service of the Board will be deemed, for the purposes of this Plan, to terminate service with the Board at the time of such discontinuance but to have completed twenty years or more of service with the Board.

BILL

An Act respecting The Board of Education
for the City of Hamilton

1st Reading

February 9th, 1956

2nd Reading

February 17th, 1956

3rd Reading

February 27th, 1956

MR. CONNELL

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the City of Ottawa

MR. MORROW

(PRIVATE BILL)

No. 20

1956

BILL

An Act respecting the City of Ottawa

WHEREAS The Corporation of the City of Ottawa by Preamble
its petition has prayed for special legislation in respect
of the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) Clause *b* of subsection 1 of section 1 of *The City of Ottawa Act, 1952* is amended by inserting after “of” in the second line “or paying the municipal taxes on”, so that the clause shall read as follows: <sup>1952, c. 130,
s. 1, subs. 1,
cl. *b*,
amended</sup>

(*b*) “owner” includes the person for the time being
managing or receiving the rent of or paying the
municipal taxes on the land or premises in connection
with which the word is used whether on his own
account or as agent or trustee of any other person or
who would so receive the rent if such land and
premises were let.

(2) Subsection 2 of the said section 1 is repealed and the following substituted therefor: <sup>1952, s. 130,
s. 1, subs. 2,
re-enacted</sup>

(2) The council of the Corporation may pass by-laws for fixing a standard of fitness for human habitation to which all dwellings shall conform, for requiring the owners of dwellings to make them conform to the standard or to demolish buildings, structures or erections forming part of dwellings which do not conform to the standard, for prohibiting the use of dwellings which do not conform to the standard, for authorizing the placarding in such manner as the by-law may specify of dwellings which do not conform to the standard and prohibiting the pulling down or defacing of any such placard, for governing and regulating persons in the use and occupancy of dwellings and for appointing a tribunal or inspectors <sup>Standard of
fitness of
dwelling</sup>

or both a tribunal and inspectors for the administration and enforcement of the by-laws.

1952, c. 130,
s. 1, subs. 6,
re-enacted

(3) Subsection 6 of the said section 1 is repealed and the following substituted therefor:

Rights to
enforce
conformity

(6) If any owner of a dwelling fails within such time as may be specified by the Corporation or the tribunal appointed under subsection 2 to make the dwelling conform to the standard required by a by-law passed under this section or to demolish all or any part of any building, structure or erection forming part of the dwelling as directed by the Corporation or the tribunal, the Corporation or the tribunal in addition to all other remedies shall have the right to make the dwelling conform to the standard or to demolish or cause to be demolished all or any part of any building, structure or erection forming part of the dwelling and to do any work on adjoining property necessitated by the work involved in making the dwelling conform to the standard or by the demolition and for such purposes with the servants and agents of the Corporation from time to time to enter upon the lands of the owner and upon adjoining property and neither the Corporation nor the tribunal shall be liable to compensate the owner or any other person by reason of anything done by or on behalf of the Corporation or the tribunal under this subsection, and, for any amount expended by or on behalf of the Corporation or the tribunal under this subsection, the Corporation shall have a lien upon the dwelling in respect of which the amount was expended and, subject to the appeal provided by subsection 9, the certificate of the City clerk as to the amount expended shall be final, and such amount shall be added to the collector's roll of taxes for the current year and shall be collected as taxes.

1952, c. 130,
s. 1, subs. 8,
amended

(4) Subsection 8 of the said section 1 is amended by inserting after "Corporation" in the first and second lines "or the tribunal appointed under subsection 2", so that the subsection shall read as follows:

Proviso

(8) Before proceeding under subsection 3 or 6, the Corporation or the tribunal appointed under subsection 2 shall notify any mortgagee appearing on the registered title, by registered letter, specifying wherein the dwelling is defective and if all defects are not remedied within one month from such notification then the provisions of subsections 3 and 6 hereof shall apply.

(5) Subsection 10 of the said section 1 is repealed and the following substituted therefor:

1952, c. 130,
s. 1, subs. 10,
re-enacted

- (10) For the enforcement of any by-law passed under this section, any inspector appointed under subsection 2 and any person acting under his instructions shall have the same right to enter, inspect and examine any dwelling or premises as an inspector under section 82 of *The Public Health Act* and the provisions of sections 82, 123, 124, subsections 2 and 3 of section 125 and section 126 of the said Act shall *mutatis mutandis* apply.

Powers of
inspector

R.S.O. 1950,
c. 306

2.—(1) The council of the Corporation may pass by-laws for establishing a parking authority to be known as "The Parking Authority of the City of Ottawa" and may entrust to the parking authority the construction, maintenance, control, operation and management of municipal parking facilities within the municipality.

Parking
authority

(2) A parking authority established under this section shall be a body corporate and shall consist of three members each of whom shall be a resident or ratepayer of the City of Ottawa.

Incor-
poration

(3) The members of the parking authority shall be appointed by the council on the nomination of the Board of Control but in the event of the Board of Control failing to submit a nomination to the council within one month after,

Appoint-
ment of
members

- (a) the passing of the by-law establishing the parking authority;
- (b) the term of office for which a member is appointed expires; or
- (c) the office of a member becomes vacant,

the council may, on the affirmative vote of at least two-thirds of all the members of the council present and voting, nominate and appoint the member.

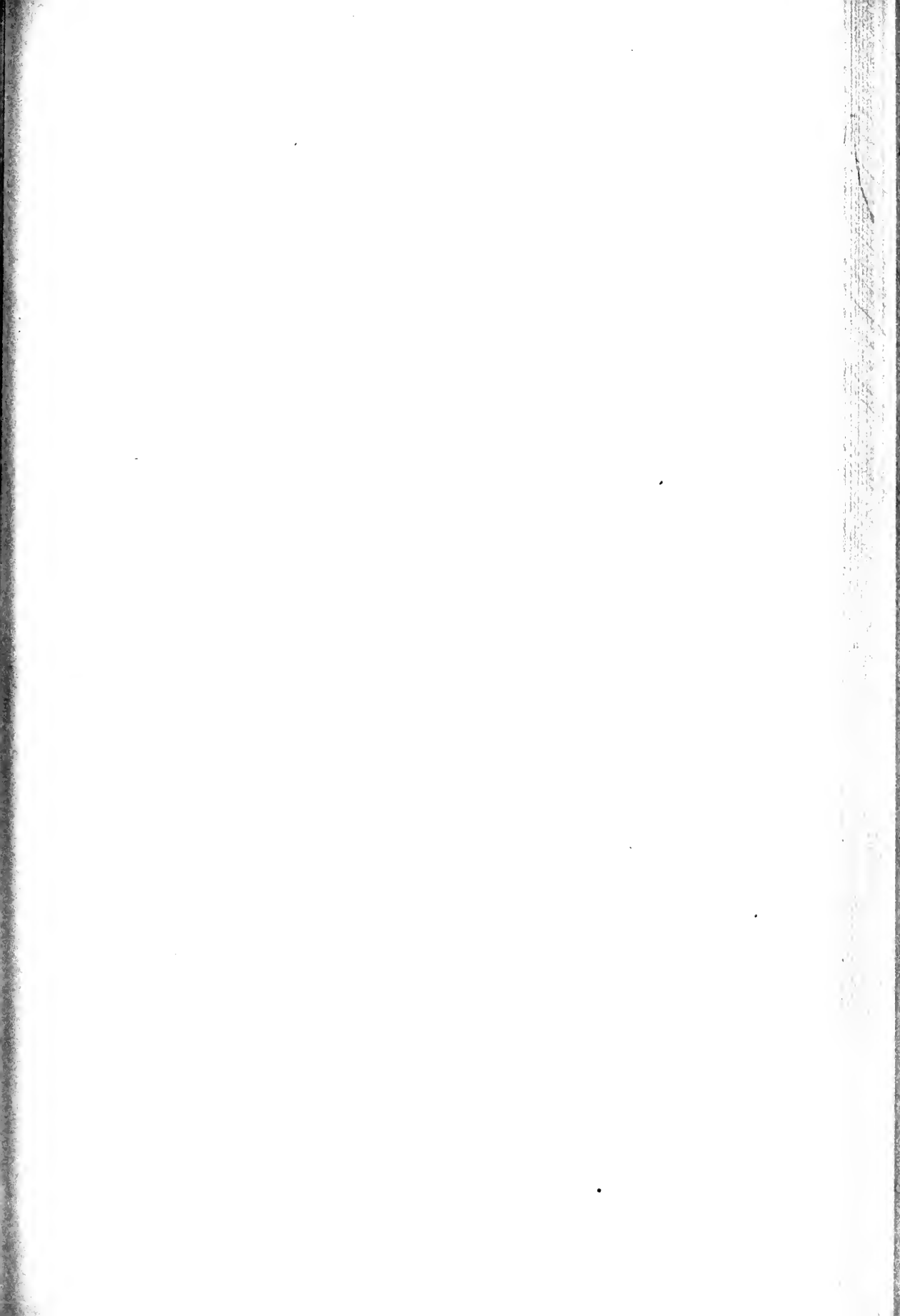
(4) Initially one member of the parking authority shall be appointed to hold office for three years, one for two years and one for one year and thereafter each member shall be appointed to hold office for three years.

Term of
office

(5) Notwithstanding the expiry of the term of office for which he is appointed, a member of the parking authority shall hold office until his successor is appointed.

Idem

- Vacancy** (6) Whenever the office of a member of the parking authority becomes vacant during his term of office, the council shall, as set out in subsection 2, appoint as member some qualified person who shall hold office for the remainder of the term for which his immediate predecessor was appointed.
- Application of R.S.O. 1950, c. 243, s. 386, par. 52*a*** (7) The provisions of paragraph 52*a* of section 386 of *The Municipal Act*, except clauses *a* and *c*, shall apply to a parking authority established under this section.
- Costs in actions recoverable by Corporation** **3.** Notwithstanding any other Act, where the Corporation employs a solicitor or a counsel whose remuneration is wholly or partly paid by salary, annual or otherwise, the Corporation shall have the right to recover and collect lawful costs in all actions and proceedings in the same manner as if the solicitor or counsel were not so remunerated.
- Commencement** **4.** This Act comes into force on the day it receives Royal Assent.
- Short title** **5.** This Act may be cited as *The City of Ottawa Act, 1956*.



BILL

An Act respecting the City of Ottawa

1st Reading

February 16th, 1956

2nd Reading

3rd Reading

MR. MORROW

(*Private Bill*)

No. 20

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the City of Ottawa

MR. MORROW

(Reprinted as amended by the Committee on Private Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 20

1956

BILL

An Act respecting the City of Ottawa

WHEREAS The Corporation of the City of Ottawa by Preamble
its petition has prayed for special legislation in respect
of the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) Clause *b* of subsection 1 of section 1 of *The City of Ottawa Act, 1952* is amended by inserting after “of” in the second line “or paying the municipal taxes on”, so that the clause shall read as follows: <sup>1952, c. 130,
s. 1, subs. 1,
cl. b,
amended</sup>

(b) “owner” includes the person for the time being
managing or receiving the rent of or paying the
municipal taxes on the land or premises in connection
with which the word is used whether on his own
account or as agent or trustee of any other person or
who would so receive the rent if such land and
premises were let.

(2) Subsection 2 of the said section 1 is repealed and the following substituted therefor: <sup>1952, s. 130,
s. 1, subs. 2,
re-enacted</sup>

(2) The council of the Corporation may pass by-laws for fixing a standard of fitness for human habitation to which all dwellings shall conform, for requiring the owners of dwellings to make them conform to the standard or to demolish buildings, structures or erections forming part of dwellings which do not conform to the standard, for prohibiting the use of dwellings which do not conform to the standard, for authorizing the placarding in such manner as the by-law may specify of dwellings which do not conform to the standard and prohibiting the pulling down or defacing of any such placard, for governing and regulating persons in the use and occupancy of dwellings and for appointing a tribunal or inspectors <sup>Standard of
fitness of
dwelling</sup>

or both a tribunal and inspectors for the administration and enforcement of the by-laws.

1952, c. 130,
s. 1, subs. 6,
re-enacted

(3) Subsection 6 of the said section 1 is repealed and the following substituted therefor:

Rights to
enforce
conformity

(6) If any owner of a dwelling fails within such time as may be specified by the Corporation or the tribunal appointed under subsection 2 to make the dwelling conform to the standard required by a by-law passed under this section or to demolish all or any part of any building, structure or erection forming part of the dwelling as directed by the Corporation or the tribunal, the Corporation or the tribunal in addition to all other remedies shall have the right to make the dwelling conform to the standard or to demolish or cause to be demolished all or any part of any building, structure or erection forming part of the dwelling and to do any work on adjoining property necessitated by the work involved in making the dwelling conform to the standard or by the demolition and for such purposes with the servants and agents of the Corporation from time to time to enter upon the lands of the owner and upon adjoining property and neither the Corporation nor the tribunal shall be liable to compensate the owner or any other person by reason of anything done by or on behalf of the Corporation or the tribunal under this subsection, and, for any amount expended by or on behalf of the Corporation or the tribunal under this subsection, the Corporation shall have a lien upon the dwelling in respect of which the amount was expended and, subject to the appeal provided by subsection 9, the certificate of the City clerk as to the amount expended shall be final, and such amount shall be added to the collector's roll of taxes for the current year and shall be collected as taxes.

1952, c. 130,
s. 1, subs. 8,
amended

(4) Subsection 8 of the said section 1 is amended by inserting after "Corporation" in the first and second lines "or the tribunal appointed under subsection 2", so that the subsection shall read as follows:

Proviso

(8) Before proceeding under subsection 3 or 6, the Corporation or the tribunal appointed under subsection 2 shall notify any mortgagee appearing on the registered title, by registered letter, specifying wherein the dwelling is defective and if all defects are not remedied within one month from such notification then the provisions of subsections 3 and 6 hereof shall apply.

(5) Subsection 10 of the said section 1 is repealed and the following substituted therefor: 1952, c. 130,
s. 1, subs. 10,
re-enacted

- (10) For the enforcement of any by-law passed under this section, any inspector appointed under subsection 2 and any person acting under his instructions shall have the same right to enter, inspect and examine any dwelling or premises as an inspector under section 82 of *The Public Health Act* and the provisions of sections 82, 123, 124, subsections 2 and 3 of section 125 and section 126 of the said Act shall *mutatis mutandis* apply. Powers of
inspector

R.S.O. 1950,
c. 306

2.—(1) The council of the Corporation may pass by-laws for establishing a parking authority to be known as "The Parking Authority of the City of Ottawa" and may entrust to the parking authority the construction, maintenance, control, operation and management of municipal parking facilities within the municipality. Parking
authority

(2) A parking authority established under this section shall be a body corporate and shall consist of three members each of whom shall be a resident or ratepayer of the City of Ottawa. Incor-
poration

(3) The members of the parking authority shall be appointed by the council on the nomination of the Board of Control but in the event of the Board of Control failing to submit a nomination to the council within one month after, Appoint-
ment of
members

(a) the passing of the by-law establishing the parking authority;

(b) the term of office for which a member is appointed expires; or

(c) the office of a member becomes vacant,

the council may, on the affirmative vote of at least two-thirds of all the members of the council present and voting, nominate and appoint the member.

(4) Initially one member of the parking authority shall be appointed to hold office for three years, one for two years and one for one year and thereafter each member shall be appointed to hold office for three years. Term of
office

(5) Notwithstanding the expiry of the term of office for which he is appointed, a member of the parking authority shall hold office until his successor is appointed. Idem

Vacancy (6) Whenever the office of a member of the parking authority becomes vacant during his term of office, the council shall, as set out in subsection 2, appoint as member some qualified person who shall hold office for the remainder of the term for which his immediate predecessor was appointed.

Application of R.S.O. 1950, c. 243, s. 386, par. 52*a* (7) The provisions of paragraph 52*a* of section 386 of *The Municipal Act*, except clauses *a* and *c*, shall apply to a parking authority established under this section.

Commencement **3.** This Act comes into force on the day it receives Royal Assent.

Short title **4.** This Act may be cited as *The City of Ottawa Act, 1956*.

BILL

An Act respecting the City of Ottawa

1st Reading

February 16th, 1956

2nd Reading

3rd Reading

MR. MORROW

(*Reprinted as amended by the
Committee on Private Bills*)

No. 20

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the City of Ottawa

MR. MORROW

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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No. 20

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BILL

An Act respecting the City of Ottawa

WHEREAS The Corporation of the City of Ottawa by Preamble
its petition has prayed for special legislation in respect
of the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) Clause *b* of subsection 1 of section 1 of *The City of* 1952, c. 130,
Ottawa Act, 1952 is amended by inserting after “of” in the s. 1, subs. 1,
second line “or paying the municipal taxes on”, so that the cl. b,
clause shall read as follows: amended

(*b*) “owner” includes the person for the time being
managing or receiving the rent of or paying the
municipal taxes on the land or premises in connection
with which the word is used whether on his own
account or as agent or trustee of any other person or
who would so receive the rent if such land and
premises were let.

(2) Subsection 2 of the said section 1 is repealed and the 1952, s. 130,
following substituted therefor: s. 1, subs. 2,
re-enacted

(2) The council of the Corporation may pass by-laws for Standard of
fixing a standard of fitness for human habitation fitness of
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authorizing the placarding in such manner as the
by-law may specify of dwellings which do not con-
form to the standard and prohibiting the pulling
down or defacing of any such placard, for governing
and regulating persons in the use and occupancy of
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or both a tribunal and inspectors for the administration and enforcement of the by-laws.

1952, c. 130,
s. 1, subs. 6,
re-enacted

(3) Subsection 6 of the said section 1 is repealed and the following substituted therefor:

Rights to
enforce
conformity

- (6) If any owner of a dwelling fails within such time as may be specified by the Corporation or the tribunal appointed under subsection 2 to make the dwelling conform to the standard required by a by-law passed under this section or to demolish all or any part of any building, structure or erection forming part of the dwelling as directed by the Corporation or the tribunal, the Corporation or the tribunal in addition to all other remedies shall have the right to make the dwelling conform to the standard or to demolish or cause to be demolished all or any part of any building, structure or erection forming part of the dwelling and to do any work on adjoining property necessitated by the work involved in making the dwelling conform to the standard or by the demolition and for such purposes with the servants and agents of the Corporation from time to time to enter upon the lands of the owner and upon adjoining property and neither the Corporation nor the tribunal shall be liable to compensate the owner or any other person by reason of anything done by or on behalf of the Corporation or the tribunal under this subsection, and, for any amount expended by or on behalf of the Corporation or the tribunal under this subsection, the Corporation shall have a lien upon the dwelling in respect of which the amount was expended and, subject to the appeal provided by subsection 9, the certificate of the City clerk as to the amount expended shall be final, and such amount shall be added to the collector's roll of taxes for the current year and shall be collected as taxes.

1952, c. 130,
s. 1, subs. 8,
amended

(4) Subsection 8 of the said section 1 is amended by inserting after "Corporation" in the first and second lines "or the tribunal appointed under subsection 2", so that the subsection shall read as follows:

Proviso

- (8) Before proceeding under subsection 3 or 6, the Corporation or the tribunal appointed under subsection 2 shall notify any mortgagee appearing on the registered title, by registered letter, specifying wherein the dwelling is defective and if all defects are not remedied within one month from such notification then the provisions of subsections 3 and 6 hereof shall apply.

(5) Subsection 10 of the said section 1 is repealed and the following substituted therefor: 1952, c. 130,
s. 1, subs. 10,
re-enacted

- (10) For the enforcement of any by-law passed under this section, any inspector appointed under subsection 2 and any person acting under his instructions shall have the same right to enter, inspect and examine any dwelling or premises as an inspector under section 82 of *The Public Health Act* and the provisions of sections 82, 123, 124, subsections 2 and 3 of section 125 and section 126 of the said Act shall *mutatis mutandis* apply. Powers of
inspector

R.S.O. 1950,
c. 306

2.—(1) The council of the Corporation may pass by-laws for establishing a parking authority to be known as "The Parking Authority of the City of Ottawa" and may entrust to the parking authority the construction, maintenance, control, operation and management of municipal parking facilities within the municipality. Parking
authority

(2) A parking authority established under this section shall be a body corporate and shall consist of three members each of whom shall be a resident or ratepayer of the City of Ottawa. Incor-
poration

(3) The members of the parking authority shall be appointed by the council on the nomination of the Board of Control but in the event of the Board of Control failing to submit a nomination to the council within one month after, Appoint-
ment of
members

- (a) the passing of the by-law establishing the parking authority;
- (b) the term of office for which a member is appointed expires; or
- (c) the office of a member becomes vacant,

the council may, on the affirmative vote of at least two-thirds of all the members of the council present and voting, nominate and appoint the member.

(4) Initially one member of the parking authority shall be appointed to hold office for three years, one for two years and one for one year and thereafter each member shall be appointed to hold office for three years. Term of
office

(5) Notwithstanding the expiry of the term of office for which he is appointed, a member of the parking authority shall hold office until his successor is appointed. Idem

- Vacancy** (6) Whenever the office of a member of the parking authority becomes vacant during his term of office, the council shall, as set out in subsection 2, appoint as member some qualified person who shall hold office for the remainder of the term for which his immediate predecessor was appointed.
- Application of R.S.O. 1950, c. 243, s. 386, par. 52*a*** (7) The provisions of paragraph 52*a* of section 386 of *The Municipal Act*, except clauses *a* and *c*, shall apply to a parking authority established under this section.
- Commencement** **3.** This Act comes into force on the day it receives Royal Assent.
- Short title** **4.** This Act may be cited as *The City of Ottawa Act, 1956*.

BILL

An Act respecting the City of Ottawa

1st Reading

February 16th, 1956

2nd Reading

March 12th, 1956

3rd Reading

March 14th, 1956

MR. MORROW

No. 21

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the Township of Stamford

MR. JOLLEY

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 21

1956

BILL

An Act respecting the Township of Stamford

WHEREAS The Corporation of the Township of Stamford by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement made between W. A. Cook, of the City of Niagara Falls, and The Corporation of the Township of Stamford, dated the 19th day of January, 1956, set forth as the Schedule hereto, is hereby validated and confirmed and declared to be legal, valid and binding upon the parties thereto, and The Corporation of the Township of Stamford is hereby empowered to pass all necessary by-laws and do all other acts, matters and things as may be deemed necessary by the parties for the full and proper carrying out of the agreement. Agreement confirmed

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Township of Stamford Act, 1956*. Short title

SCHEDULE

THIS AGREEMENT made, in duplicate, this 19th day of January, A.D. 1956.

BETWEEN:

W. A. COOK, of the City of Niagara Falls,
County of Welland, hereinafter called "the
Party",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF
STAMFORD, hereinafter called "the Party",

OF THE SECOND PART.

WHEREAS the Corporation is the owner of the lands hereinafter mentioned, which were conveyed to it for park purposes and which have to the date hereof not been improved for use as park purposes.

AND WHEREAS the Party of the First Part has proposed to the Corporation the leasing by the Corporation to him for a period of twenty-five (25) years at an annual ground rental of \$1.00 the said lands, the said lease to be authorized by a private bill of the Legislature, and the Party of the First Part has proposed building thereon a swimming pool and buildings for this use, with intent that the same shall revert to the Corporation at the end of the twenty-five year lease period.

NOW THEREFORE the Parties hereto agree as follows:

1. The Corporation shall by lease to be authorized by a private bill of the Ontario Legislature let the lands described as follows:

"All and Singular that certain parcel or tract of land and premises situate, lying and being all that part of Lot 10 and Lot 11 lying north of Culp Street according to Registered Plan 49 for the Township of Stamford."

unto the Party of the First Part for a term of twenty-five (25) years, and the Party of the Second Part agrees that terms of the said lease shall be as follows:

- (a) The Party of the First Part shall at his sole expense erect a swimming pool, bathhouse, refreshment stand, park or picnic area, car parking area, and other playground areas, to be used or useable with such a project, and that the said pool shall be operated for public use at initial rates of 15c for children until 12 o'clock noon, 25c for children from 12 o'clock noon, and 50c for adults at any time, and that the said rates shall be subject to review upon application of either Party to the said lease, and the said prices may be altered only if there shall be mutual agreement with respect to such rates.
- (b) That the pool shall be available five (5) mornings per week during the season of the year that the same shall be open, Monday to Friday, for swimming instructions of organized classes of non-swimmers, which classes shall be admitted free of charge if under the supervision of a recognized club or association.
- (c) The Party of the First Part agrees to provide supervision, with the exception of periods of organized classes of swimming instructions by a competent life guard.

(d) The Party of the First Part agrees to prefer in its employment Stamford residents.

(e) The Party of the First Part agrees to construct the swimming pool of reinforced concrete of a minimum size of 150 feet by 50 feet, and that all buildings erected for use therewith shall be of fireproof or fire resistant material.

(f) The Party of the First Part agrees that the swimming pool shall be at all times open to inspection and shall be carried on with the approval of the Welland and District Public Health Unit.

2. The Corporation agrees not to erect or subsidize any other swimming pool within a radius of two miles.

3. The Corporation agrees to provide water and hydro services to the building and property couplings and agrees to supply water free of charge to the Party of the First Part.

4. The Party of the First Part shall have the right to sublet only upon the consent of the Corporation and only after the said lease has been offered to the Township of Stamford at the same consideration receivable from any other party.

5. The Corporation consents to the use of its street for the erection of a sign, to be approved by the Township Engineer, at nearby corners where the same may be required for directional use.

6. The Party of the First Part may, in writing served upon the Clerk of the Corporation, at any time before the First of February, 1957, elect to declare this Agreement for a lease null and void and, in that event, the same shall be null and void, and of no effect whatsoever.

IN WITNESS WHEREOF the Party of the First Part has affixed his hand and seal and the Party of the Second Part hath affixed its Corporate seal and the hands of its proper officers on its behalf.

In the Presence of

W. C. LAMARSH

(As to the signature of
W. A. Cook)

W. A. COOK.

THE CORPORATION OF THE TOWNSHIP
OF STAMFORD

A. G. BRIDGE,
Reeve.

A. C. HUGGINS,
Clerk.

BILL

An Act respecting
the Township of Stamford

1st Reading

February 16th, 1956

2nd Reading

3rd Reading

MR. JOLLEY

(*Private Bill*)

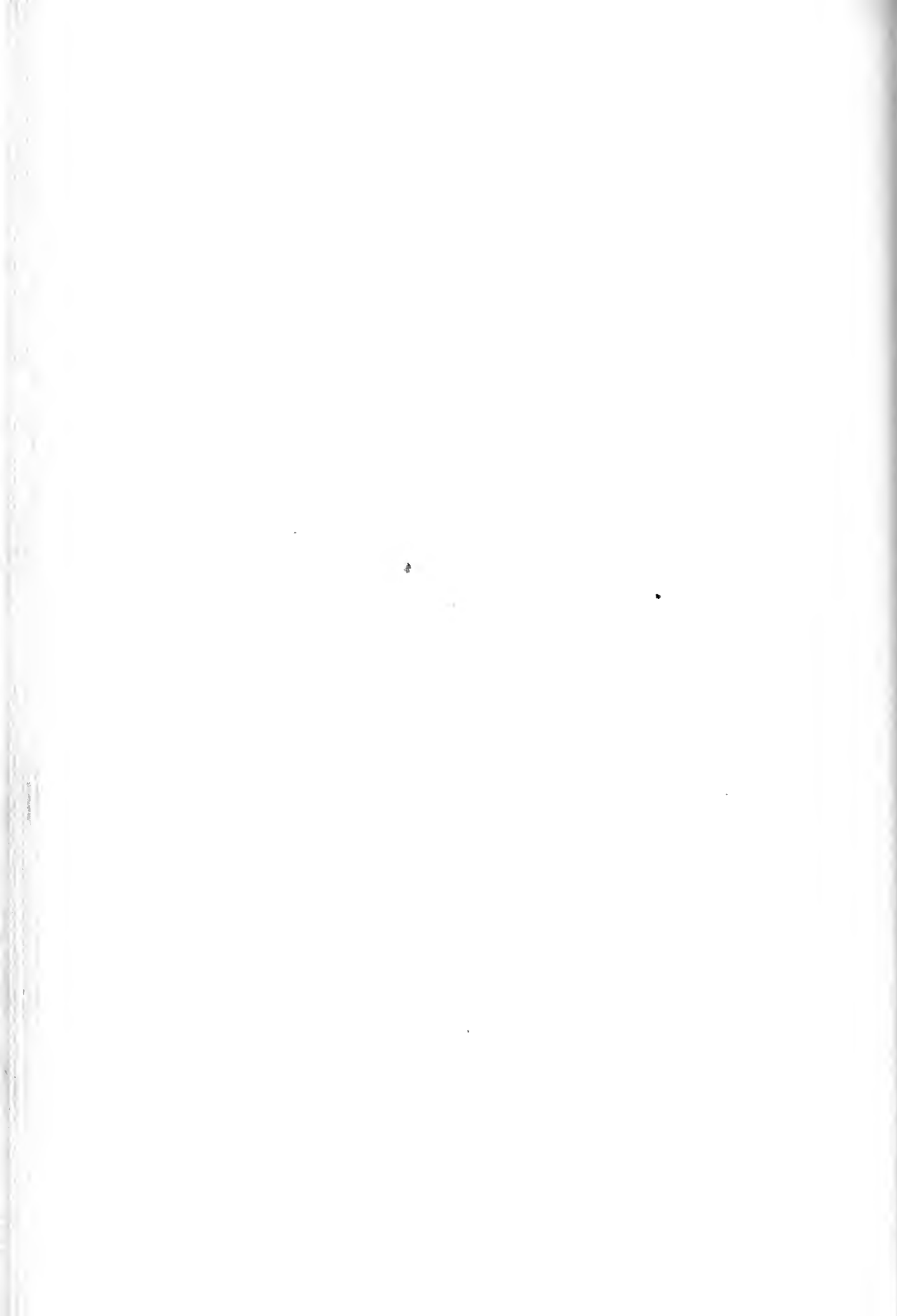
2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the Township of Stamford

MR. JOLLEY

(Reprinted as amended by the Committee on Private Bills)



No. 21

1956

BILL

An Act respecting the Township of Stamford

WHEREAS The Corporation of the Township of Stamford ^{Preamble} by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreements made between W. A. Cook, of the City ^{Agreements confirmed} of Niagara Falls, and The Corporation of the Township of Stamford, dated the 19th day of January, 1956, and the 5th day of March, 1956, set forth as the Schedule hereto, are hereby validated and confirmed and declared to be legal, valid and binding upon the parties thereto, and The Corporation of the Township of Stamford is hereby empowered to pass all necessary by-laws and do all other acts, matters and things as may be deemed necessary by the parties for the full and proper carrying out of the agreements.

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

3. This Act may be cited as *The Township of Stamford* ^{Short title} *Act, 1956*.

SCHEDULE

THIS AGREEMENT made, in duplicate, this 19th day of January, A.D. 1956.

BETWEEN:

W. A. COOK, of the City of Niagara Falls,
County of Welland, hereinafter called "the
Party",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF
STAMFORD, hereinafter called "the Party",

OF THE SECOND PART.

WHEREAS the Corporation is the owner of the lands hereinafter mentioned, which were conveyed to it for park purposes and which have to the date hereof not been improved for use as park purposes.

AND WHEREAS the Party of the First Part has proposed to the Corporation the leasing by the Corporation to him for a period of twenty-five (25) years at an annual ground rental of \$1.00 the said lands, the said lease to be authorized by a private bill of the Legislature, and the Party of the First Part has proposed building thereon a swimming pool and buildings for this use, with intent that the same shall revert to the Corporation at the end of the twenty-five year lease period.

NOW THEREFORE the Parties hereto agree as follows:

1. The Corporation shall by lease to be authorized by a private bill of the Ontario Legislature let the lands described as follows:

"All and Singular that certain parcel or tract of land and premises situate, lying and being all that part of Lot 10 and Lot 11 lying north of Culp Street according to Registered Plan 49 for the Township of Stamford."

unto the Party of the First Part for a term of twenty-five (25) years, and the Party of the Second Part agrees that terms of the said lease shall be as follows:

- (a) The Party of the First Part shall at his sole expense erect a swimming pool, bathhouse, refreshment stand, park or picnic area, car parking area, and other playground areas, to be used or useable with such a project, and that the said pool shall be operated for public use at initial rates of 15c for children until 12 o'clock noon, 25c for children from 12 o'clock noon, and 50c for adults at any time, and that the said rates shall be subject to review upon application of either Party to the said lease, and the said prices may be altered only if there shall be mutual agreement with respect to such rates.
- (b) That the pool shall be available five (5) mornings per week during the season of the year that the same shall be open, Monday to Friday, for swimming instructions of organized classes of non-swimmers, which classes shall be admitted free of charge if under the supervision of a recognized club or association.
- (c) The Party of the First Part agrees to provide supervision, with the exception of periods of organized classes of swimming instructions by a competent life guard.

- (d) The Party of the First Part agrees to prefer in its employment Stamford residents.
 - (e) The Party of the First Part agrees to construct the swimming pool of reinforced concrete of a minimum size of 150 feet by 50 feet, and that all buildings erected for use therewith shall be of fireproof or fire resistant material.
 - (f) The Party of the First Part agrees that the swimming pool shall be at all times open to inspection and shall be carried on with the approval of the Welland and District Public Health Unit.
2. The Corporation agrees not to erect or subsidize any other swimming pool within a radius of two miles.
 3. The Corporation agrees to provide water and hydro services to the building and property couplings and agrees to supply water free of charge to the Party of the First Part.
 4. The Party of the First Part shall have the right to sublet only upon the consent of the Corporation and only after the said lease has been offered to the Township of Stamford at the same consideration receivable from any other party.
 5. The Corporation consents to the use of its street for the erection of a sign, to be approved by the Township Engineer, at nearby corners where the same may be required for directional use.
 6. The Party of the First Part may, in writing served upon the Clerk of the Corporation, at any time before the First of February, 1957, elect to declare this Agreement for a lease null and void and, in that event, the same shall be null and void, and of no effect whatsoever.

IN WITNESS WHEREOF the Party of the First Part has affixed his hand and seal and the Party of the Second Part hath affixed its Corporate seal and the hands of its proper officers on its behalf.

In the Presence of

W. C. LAMARSH

(As to the signature of
W. A. Cook)

W. A. COOK.

THE CORPORATION OF THE TOWNSHIP
OF STAMFORD

A. G. BRIDGE,
Reeve.

A. C. HUGGINS,
Clerk.

THIS AGREEMENT made, in duplicate, this 5th day of March, 1956.

BETWEEN:

W. A. COOK, of the City of Niagara Falls,
in the County of Welland, hereinafter called
"the Party",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF
STAMFORD, hereinafter called "the Party",

OF THE SECOND PART.

WHEREAS the Parties hereto have entered into an Agreement dated the 19th January, 1956, which Agreement is the subject matter of a Private Bill of the Legislature of Ontario.

AND WHEREAS in order to quiet doubts respecting the same it is deemed advisable to supplement the said Agreement of 19th January, 1956, by the following terms which are to be incorporated into the said Agreement of 19th January, 1956 between the Parties hereto as an integral part thereof.

NOW THEREFORE the Parties hereto agree that the hereinafter mentioned terms shall be incorporated into and shall form part of the Agreement of 19th January, 1956 between the Parties hereto in respect of the following matters:

1. At the termination of the Lease mentioned in the said Agreement of 19th January, 1956, whether by effluxion of time, by forfeiture or by surrender or otherwise, all of the proposed buildings and swimming pool and all fixtures used therewith for the enjoyment thereof shall revert to and form part of property of the said Corporation of the Second Part hereto without additional compensation therefor to the Party of the First Part.

2. During the term of the Lease provided for in the said Agreement of 19th January, 1956, the Party of the First Part shall pay to the Party of the Second Part business taxes upon the lands therein mentioned.

3. In the event of default occurring on the part of the Party of the First Part, notice pointing out such default and giving an opportunity to correct the said default may be given to the Party of the First Part by the Party of the Second Part, and if such default continue uncorrected for a period of fifteen (15) days after such notice, the Party of the Second Part may be at liberty to declare the term granted and all privileges and benefits thereunder forfeited to the Party of the Second Part.

IN WITNESS WHEREOF the Party of the First Part hath affixed his hand and seal and the Party of the Second Part hath affixed its Corporate seal and the hands of its proper officers on its behalf.

W. C. LAMARSH

W. A. COOK.

(As to the signature of
W. A. Cook)

THE CORPORATION OF THE TOWNSHIP
OF STAMFORD

A. G. BRIDGE,
Reeve.

(Seal)

A. C. HUGGINS,
Clerk.

BILL

An Act respecting
the Township of Stamford

1st Reading

February 16th, 1956

2nd Reading

3rd Reading

MR. JOLLEY

(Reprinted as amended by the
Committee on Private Bills)

No. 21

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the Township of Stamford

MR. JOLLEY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 21

1956

BILL

An Act respecting the Township of Stamford

WHEREAS The Corporation of the Township of Stamford ^{Preamble} by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreements made between W. A. Cook, of the City ^{Agreements confirmed} of Niagara Falls, and The Corporation of the Township of Stamford, dated the 19th day of January, 1956, and the 5th day of March, 1956, set forth as the Schedule hereto, are hereby validated and confirmed and declared to be legal, valid and binding upon the parties thereto, and The Corporation of the Township of Stamford is hereby empowered to pass all necessary by-laws and do all other acts, matters and things as may be deemed necessary by the parties for the full and proper carrying out of the agreements.

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

3. This Act may be cited as *The Township of Stamford* ^{Short title} *Act, 1956.*

SCHEDULE

THIS AGREEMENT made, in duplicate, this 19th day of January, A.D. 1956.

BETWEEN:

W. A. COOK, of the City of Niagara Falls,
County of Welland, hereinafter called "the
Party",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF
STAMFORD, hereinafter called "the Party",

OF THE SECOND PART.

WHEREAS the Corporation is the owner of the lands hereinafter mentioned, which were conveyed to it for park purposes and which have to the date hereof not been improved for use as park purposes.

AND WHEREAS the Party of the First Part has proposed to the Corporation the leasing by the Corporation to him for a period of twenty-five (25) years at an annual ground rental of \$1.00 the said lands, the said lease to be authorized by a private bill of the Legislature, and the Party of the First Part has proposed building thereon a swimming pool and buildings for this use, with intent that the same shall revert to the Corporation at the end of the twenty-five year lease period.

NOW THEREFORE the Parties hereto agree as follows:

1. The Corporation shall by lease to be authorized by a private bill of the Ontario Legislature let the lands described as follows:

"All and Singular that certain parcel or tract of land and premises situate, lying and being all that part of Lot 10 and Lot 11 lying north of Culp Street according to Registered Plan 49 for the Township of Stamford."

unto the Party of the First Part for a term of twenty-five (25) years, and the Party of the Second Part agrees that terms of the said lease shall be as follows:

- (a) The Party of the First Part shall at his sole expense erect a swimming pool, bathhouse, refreshment stand, park or picnic area, car parking area, and other playground areas, to be used or useable with such a project, and that the said pool shall be operated for public use at initial rates of 15c for children until 12 o'clock noon, 25c for children from 12 o'clock noon, and 50c for adults at any time, and that the said rates shall be subject to review upon application of either Party to the said lease, and the said prices may be altered only if there shall be mutual agreement with respect to such rates.
- (b) That the pool shall be available five (5) mornings per week during the season of the year that the same shall be open, Monday to Friday, for swimming instructions of organized classes of non-swimmers, which classes shall be admitted free of charge if under the supervision of a recognized club or association.
- (c) The Party of the First Part agrees to provide supervision, with the exception of periods of organized classes of swimming instructions by a competent life guard.

- (d) The Party of the First Part agrees to prefer in its employment Stamford residents.
 - (e) The Party of the First Part agrees to construct the swimming pool of reinforced concrete of a minimum size of 150 feet by 50 feet, and that all buildings erected for use therewith shall be of fireproof or fire resistant material.
 - (f) The Party of the First Part agrees that the swimming pool shall be at all times open to inspection and shall be carried on with the approval of the Welland and District Public Health Unit.
2. The Corporation agrees not to erect or subsidize any other swimming pool within a radius of two miles.
 3. The Corporation agrees to provide water and hydro services to the building and property couplings and agrees to supply water free of charge to the Party of the First Part.
 4. The Party of the First Part shall have the right to sublet only upon the consent of the Corporation and only after the said lease has been offered to the Township of Stamford at the same consideration receivable from any other party.
 5. The Corporation consents to the use of its street for the erection of a sign, to be approved by the Township Engineer, at nearby corners where the same may be required for directional use.
 6. The Party of the First Part may, in writing served upon the Clerk of the Corporation, at any time before the First of February, 1957, elect to declare this Agreement for a lease null and void and, in that event, the same shall be null and void, and of no effect whatsoever.

IN WITNESS WHEREOF the Party of the First Part has affixed his hand and seal and the Party of the Second Part hath affixed its Corporate seal and the hands of its proper officers on its behalf.

In the Presence of
 W. C. LAMARSH
 (As to the signature of
 W. A. Cook)

W. A. COOK.
 THE CORPORATION OF THE TOWNSHIP
 OF STAMFORD
 A. G. BRIDGE,
Reeve.
 A. C. HUGGINS,
Clerk.

THIS AGREEMENT made, in duplicate, this 5th day of March, 1956.

BETWEEN:

W. A. COOK, of the City of Niagara Falls,
in the County of Welland, hereinafter called
"the Party",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF
STAMFORD, hereinafter called "the Party",

OF THE SECOND PART.

WHEREAS the Parties hereto have entered into an Agreement dated the 19th January, 1956, which Agreement is the subject matter of a Private Bill of the Legislature of Ontario.

AND WHEREAS in order to quiet doubts respecting the same it is deemed advisable to supplement the said Agreement of 19th January, 1956, by the following terms which are to be incorporated into the said Agreement of 19th January, 1956 between the Parties hereto as an integral part thereof.

NOW THEREFORE the Parties hereto agree that the hereinafter mentioned terms shall be incorporated into and shall form part of the Agreement of 19th January, 1956 between the Parties hereto in respect of the following matters:

1. At the termination of the Lease mentioned in the said Agreement of 19th January, 1956, whether by effluxion of time, by forfeiture or by surrender or otherwise, all of the proposed buildings and swimming pool and all fixtures used therewith for the enjoyment thereof shall revert to and form part of property of the said Corporation of the Second Part hereto without additional compensation therefor to the Party of the First Part.

2. During the term of the Lease provided for in the said Agreement of 19th January, 1956, the Party of the First Part shall pay to the Party of the Second Part business taxes upon the lands therein mentioned.

3. In the event of default occurring on the part of the Party of the First Part, notice pointing out such default and giving an opportunity to correct the said default may be given to the Party of the First Part by the Party of the Second Part, and if such default continue uncorrected for a period of fifteen (15) days after such notice, the Party of the Second Part may be at liberty to declare the term granted and all privileges and benefits thereunder forfeited to the Party of the Second Part.

IN WITNESS WHEREOF the Party of the First Part hath affixed his hand and seal and the Party of the Second Part hath affixed its Corporate seal and the hands of its proper officers on its behalf.

W. C. LAMARSH

(As to the signature of
W. A. Cook)

W. A. COOK.

THE CORPORATION OF THE TOWNSHIP OF
STAMFORD

A. G. BRIDGE,
Reeve.

(Seal)

A. C. HUGGINS,
Clerk.

BILL

An Act respecting
the Township of Stamford

1st Reading

February 16th, 1956

2nd Reading

March 12th, 1956

3rd Reading

March 27th, 1956

MR. JOLLEY

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the City of Port Arthur

MR. WARDROPE

(PRIVATE BILL)

No. 22

1956

BILL

An Act respecting the City of Port Arthur

WHEREAS The Corporation of the City of Port Arthur Preamble
 by its petition has represented that it has by By-law
 No. 2614 provided pensions for full-time employees of the
 Corporation, which by-law was passed pursuant to *The* R.S.O. 1950,
c. 243
Municipal Act which permits only the providing of such
 pensions by contract either with Her Majesty in accordance
 with the *Government Annuities Act* (Canada) or with an R.S.C. 1952,
c. 132
 insurer licensed under *The Insurance Act*, or with both Her R.S.O. 1950,
c. 183
 Majesty and an insurer, and that it considers that in order to
 provide greater benefits for such employees it is desirable that
 additional powers be conferred upon the council of the
 Corporation; and whereas the petitioner has prayed for special
 legislation in respect of such matter; and whereas it is expe-
 dient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:

1. In addition to its powers under paragraph 48 of sec- Pensions
 tion 386 of *The Municipal Act*, the council of The Corporation
 of the City of Port Arthur may pass by-laws with the approval
 of the Department of Municipal Affairs for providing pensions
 for employees of The Corporation of the City of Port Arthur
 or any local board thereof, or any class of employees and their
 wives and children.

2. Subsection 1 of section 300 of *The Municipal Act* shall Application
of R.S.O.
1950,
c. 243, s. 300,
subs. 1
 not apply to any by-law passed under this section or to any
 debt incurred thereby.

3. This Act comes into force on the day it receives Royal Commence-
ment
 Assent.

4. This Act may be cited as *The City of Port Arthur Act*, Short title
 1956.

BILL

An Act respecting the
City of Port Arthur

1st Reading

2nd Reading

3rd Reading

MR. WARDROPE

(*Private Bill*)

No. 22

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the City of Port Arthur

MR. WARDROPE

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 22

1956

BILL

An Act respecting the City of Port Arthur

WHEREAS The Corporation of the City of Port Arthur Preamble
 by its petition has represented that it has by By-law
 No. 2614 provided pensions for full-time employees of the
 Corporation, which by-law was passed pursuant to *The* R.S.O. 1950,
 c. 243
Municipal Act which permits only the providing of such
 pensions by contract either with Her Majesty in accordance
 with the *Government Annuities Act* (Canada) or with an R.S.C. 1952,
 c. 132
 insurer licensed under *The Insurance Act*, or with both Her R.S.O. 1950,
 c. 183
 Majesty and an insurer, and that it considers that in order to
 provide greater benefits for such employees it is desirable that
 additional powers be conferred upon the council of the
 Corporation; and whereas the petitioner has prayed for special
 legislation in respect of such matter; and whereas it is expe-
 dient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:

1. In addition to its powers under paragraph 48 of sec- Pensions
 tion 386 of *The Municipal Act*, the council of The Corporation
 of the City of Port Arthur may pass by-laws with the approval
 of the Department of Municipal Affairs for providing pensions
 for employees of The Corporation of the City of Port Arthur
 or any local board thereof, or any class of employees and their
 wives and children.

2. Subsection 1 of section 300 of *The Municipal Act* shall Application
 of R.S.O.
 1950,
 c. 243, s. 300,
 subs. 1
 not apply to any by-law passed under this section or to any
 debt incurred thereby.

3. This Act comes into force on the day it receives Royal Commence-
 ment
 Assent.

4. This Act may be cited as *The City of Port Arthur Act*, Short title
 1956.

BILL

An Act respecting the
City of Port Arthur

1st Reading

February 16th, 1956

2nd Reading

February 24th, 1956

3rd Reading

March 14th, 1956

MR. WARDROPE

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the Presbyterian Church in Canada,
Synod of Toronto and Kingston

MR. LETHERBY

(PRIVATE BILL)

No. 23

1956

BILL

An Act respecting the Presbyterian Church in Canada, Synod of Toronto and Kingston

WHEREAS the Synod of Toronto and Kingston by its ^{Preamble} petition has prayed that provision be made for exemption from municipal taxation of certain lands in the Township of Mara in the County of Ontario; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of The Corporation of the Township of Mara may pass by-laws exempting from municipal taxation ^{Tax exemption} the lands and appurtenances thereto of the Trustee Board of the Presbyterian Church in Canada and duly administered by the Synod of Toronto and Kingston, described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Mara in the County of Ontario and Province of Ontario, being composed of part of Broken Lot number sixteen in Concession "C" in the said Township, containing by admeasurement ten (10) acres more or less, being that area shown colored red on the plan attached to deed dated June 16th 1930 from Donald McKay, of the said Township of Mara, Farmer, to Sarah Charlotte Playfair, of the Town of Midland in the County of Simcoe, Married Woman, registered as No. 10387, and being more particularly known and described as follows: COMMENCING at a point in said lot distant south thirty-four degrees and fifty-seven minutes west astronomically sixteen hundred and ninety-six feet from the north-east angle thereof; thence north eighty-five degrees and six minutes west six hundred feet; thence north sixty-nine degrees and forty-four minutes west three hundred and forty-one and one-half feet more or less to intersection with the shore of Lake Simcoe; thence southerly and easterly along said lake shore and following the various courses and windings therein to intersection with a line drawn south three degrees and fifty-four minutes west from the place of beginning; thence north three degrees and fifty-four minutes east along said line five hundred feet more or less to the said place of beginning. The said bearings being computed from the Astronomical bearing of the easterly limit of said lot shown on said plan as north seventeen degrees and forty-two minutes west.

TOGETHER WITH the right of way for ingress and egress to and from the said lands over a strip of land thirty feet in width lying

to the east of and adjoining the easterly limit of that parcel and part of said lot heretofore conveyed to one Donald Gilchrist and being more particularly known and described as follows:

COMMENCING at a point in the southerly limit of the allowance for road between Concessions B. and C. distant westerly sixteen hundred and forty-five feet from the north-east angle of said lot sixteen; thence south no degrees and thirty-four minutes east astronomically eight hundred and seventeen feet more or less to the northerly limit of the parcel hereindescribed, the said bearing being computed from the said astronomical bearing of the said easterly limit of said lot shown on said plan as north seventeen degrees and forty-two minutes west;

provided that the lands and appurtenances are owned by the Trustee Board of the Presbyterian Church in Canada and are occupied by, used solely and carried on for the purposes of the Synod of Toronto and Kingston.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Synod of Toronto and Kingston Glen Mhor Camp Act, 1956.*

BILL

An Act respecting
the Presbyterian Church in Canada,
Synod of Toronto and Kingston

1st Reading

2nd Reading

3rd Reading

MR. LETHERBY

(Private Bill)

No. 23

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the Presbyterian Church in Canada,
Synod of Toronto and Kingston

MR. LETHERBY

(Reprinted as amended by the Committee on Private Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Presbyterian Church in Canada, Synod of Toronto and Kingston

WHEREAS the Synod of Toronto and Kingston by its ^{Preamble} petition has prayed that provision be made for exemption from municipal taxation of certain lands in the Township of Mara in the County of Ontario; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of The Corporation of the Township of ^{Tax} Mara may pass by-laws exempting from municipal taxation, ^{exemption} except local improvement rates, the lands and appurtenances thereto of the Trustee Board of the Presbyterian Church in Canada and duly administered by the Synod of Toronto and Kingston, described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Mara in the County of Ontario and Province of Ontario, being composed of part of Broken Lot number sixteen in Concession "C" in the said Township, containing by admeasurement ten (10) acres more or less, being that area shown colored red on the plan attached to deed dated June 16th 1930 from Donald McKay, of the said Township of Mara, Farmer, to Sarah Charlotte Playfair, of the Town of Midland in the County of Simcoe, Married Woman, registered as No. 10387, and being more particularly known and described as follows: COMMENCING at a point in said lot distant south thirty-four degrees and fifty-seven minutes west astronomically sixteen hundred and ninety-six feet from the north-east angle thereof; thence north eighty-five degrees and six minutes west six hundred feet; thence north sixty-nine degrees and forty-four minutes west three hundred and forty-one and one-half feet more or less to intersection with the shore of Lake Simcoe; thence southerly and easterly along said lake shore and following the various courses and windings therein to intersection with a line drawn south three degrees and fifty-four minutes west from the place of beginning; thence north three degrees and fifty-four minutes east along said line five hundred feet more or less to the said place of beginning. The said bearings being computed from the Astronomical bearing of the easterly limit of said lot shown on said plan as north seventeen degrees and forty-two minutes west.

TOGETHER WITH the right of way for ingress and egress to and from the said lands over a strip of land thirty feet in width lying

to the east of and adjoining the easterly limit of that parcel and part of said lot heretofore conveyed to one Donald Gilchrist and being more particularly known and described as follows:

COMMENCING at a point in the southerly limit of the allowance for road between Concessions B. and C. distant westerly sixteen hundred and forty-five feet from the north-east angle of said lot sixteen; thence south no degrees and thirty-four minutes east astronomically eight hundred and seventeen feet more or less to the northerly limit of the parcel hereindescribed, the said bearing being computed from the said astronomical bearing of the said easterly limit of said lot shown on said plan as north seventeen degrees and forty-two minutes west;

provided that the lands and appurtenances are owned by the Trustee Board of the Presbyterian Church in Canada and are occupied by, used solely and carried on for the purposes of the Synod of Toronto and Kingston.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Synod of Toronto and Kingston Glen Mhor Camp Act, 1956.*

BILL

An Act respecting
the Presbyterian Church in Canada,
Synod of Toronto and Kingston

1st Reading

February 16th, 1956

2nd Reading

3rd Reading

MR. LETHERBY

(*Reprinted as amended by the
Committee on Private Bills*)

No. 23

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the Presbyterian Church in Canada,
Synod of Toronto and Kingston

MR. LETHERBY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Presbyterian Church in Canada, Synod of Toronto and Kingston

WHEREAS the Synod of Toronto and Kingston by its ^{Preamble} petition has prayed that provision be made for exemption from municipal taxation of certain lands in the Township of Mara in the County of Ontario; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of The Corporation of the Township of Mara may pass by-laws exempting from municipal taxation, ^{Tax exemption} except local improvement rates, the lands and appurtenances thereto of the Trustee Board of the Presbyterian Church in Canada and duly administered by the Synod of Toronto and Kingston, described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Mara in the County of Ontario and Province of Ontario, being composed of part of Broken Lot number sixteen in Concession "C" in the said Township, containing by admeasurement ten (10) acres more or less, being that area shown colored red on the plan attached to deed dated June 16th 1930 from Donald McKay, of the said Township of Mara, Farmer, to Sarah Charlotte Playfair, of the Town of Midland in the County of Simcoe, Married Woman, registered as No. 10387, and being more particularly known and described as follows: COMMENCING at a point in said lot distant south thirty-four degrees and fifty-seven minutes west astronomically sixteen hundred and ninety-six feet from the north-east angle thereof; thence north eighty-five degrees and six minutes west six hundred feet; thence north sixty-nine degrees and forty-four minutes west three hundred and forty-one and one-half feet more or less to intersection with the shore of Lake Simcoe; thence southerly and easterly along said lake shore and following the various courses and windings therein to intersection with a line drawn south three degrees and fifty-four minutes west from the place of beginning; thence north three degrees and fifty-four minutes east along said line five hundred feet more or less to the said place of beginning. The said bearings being computed from the Astronomical bearing of the easterly limit of said lot shown on said plan as north seventeen degrees and forty-two minutes west.

TOGETHER WITH the right of way for ingress and egress to and from the said lands over a strip of land thirty feet in width lying

to the east of and adjoining the easterly limit of that parcel and part of said lot heretofore conveyed to one Donald Gilchrist and being more particularly known and described as follows:

COMMENCING at a point in the southerly limit of the allowance for road between Concessions B. and C. distant westerly sixteen hundred and forty-five feet from the north-east angle of said lot sixteen; thence south no degrees and thirty-four minutes east astronomically eight hundred and seventeen feet more or less to the northerly limit of the parcel hereindescribed, the said bearing being computed from the said astronomical bearing of the said easterly limit of said lot shown on said plan as north seventeen degrees and forty-two minutes west;

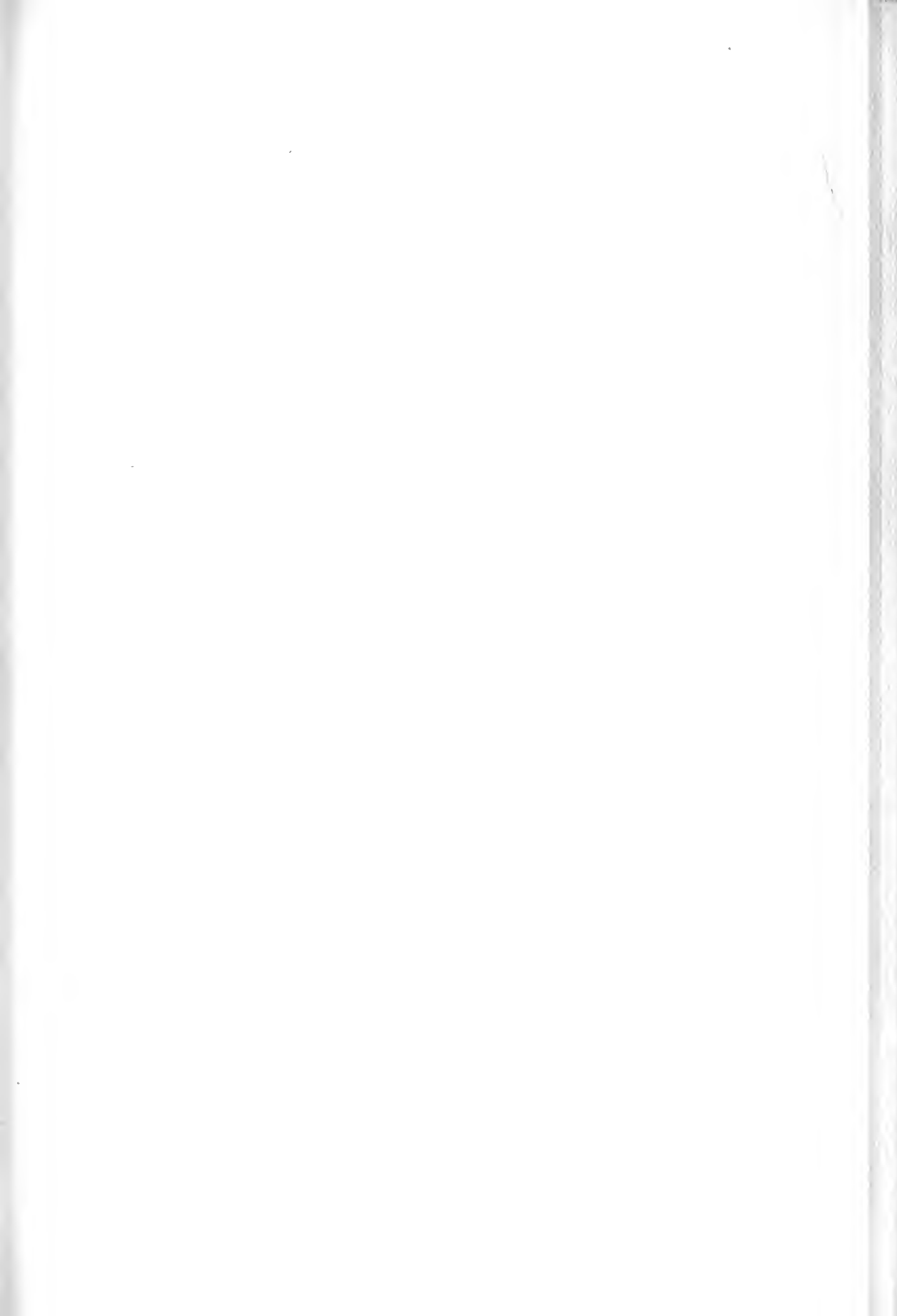
provided that the lands and appurtenances are owned by the Trustee Board of the Presbyterian Church in Canada and are occupied by, used solely and carried on for the purposes of the Synod of Toronto and Kingston.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Synod of Toronto and Kingston Glen Mhor Camp Act, 1956.*





BILL

An Act respecting
the Presbyterian Church in Canada,
Synod of Toronto and Kingston

1st Reading

February 16th, 1956

2nd Reading

March 12th, 1956

3rd Reading

March 14th, 1956

MR. LETHERBY

No. 24

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act respecting
the Society of Interior Decorators of Ontario

MR. COWLING

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 24

1956

BILL

An Act respecting the Society of Interior Decorators of Ontario

WHEREAS the Society of Interior Decorators of Ontario ^{Preamble} by its petition has represented that it is desirous of being continued as a body corporate and politic under the name "The Society of Interior Designers of Ontario" for the purpose of increasing the knowledge, skill and proficiency of its members in all things relating to interior designing and generally for the carrying out of the objects of the Society; and whereas the petitioner has prayed for special legislation to effect such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Society of Interior Decorators of Ontario is ^{Society continued} continued as a body corporate and politic under the name "The Society of Interior Designers of Ontario", herein called the Society.

2. The objects of the Society shall be to supervise the ^{Objects} training of, and to regulate standards of design and practice of its members.

3.—(1) All persons of good character resident in Ontario ^{Membership} who, on the day upon which this Act comes into force, are in good standing as members of the Society of Interior Decorators of Ontario shall be admitted to the register and, together with all other persons admitted to the register, shall constitute the membership of the Society.

(2) Application for registration as a member of the Society ^{Idem} shall be made in the manner and on the forms prescribed by the by-laws of the Society.

(3) The Society shall have six classes of members: namely, ^{Classes of members} active members, junior members, student members, associate members, honorary members and trade members.

- Record** **4.—(1)** A record, which shall be open for inspection to the public at all reasonable times, shall be kept containing the names of all members of the Society in good standing.
- Idem** (2) Only those members whose names appear in such record shall be entitled to the privileges of membership in the Society.
- Real and personal property** **5.** The Society may acquire by purchase, lease or otherwise, and hold real and personal property for its purposes and alienate, exchange, lease, mortgage or otherwise dispose of the same or any part thereof as occasion may require.
- Committee of Management** **6.—(1)** The affairs of the Society shall be under the management of a Committee of Management composed of nine members who shall be elected for such term and in such manner as the by-laws may provide.
- Voting** (2) The election of the Committee of Management, hereinafter called the Committee, and all other questions voted on at a meeting of the Society shall be decided by a plurality of the votes of the members present and entitled to vote or in such other manner as may be provided by the by-laws.
- Term of office** (3) The members of the Committee shall remain in office for the period fixed by the by-laws of the Society and shall continue in office until their successors are elected.
- Vacancy** (4) In case of a vacancy in the Committee through the resignation or death of a member or otherwise, the remaining members may fill the vacancy in such manner as the by-laws may provide.
- By-laws** **7.—(1)** The Committee may make by-laws, rules and regulations, not contrary to law or to the provisions of this Act, for all purposes relating to the affairs, business and property of the Society, its management, government, aims, objects and interests, including,
- (a) the registration of members and the issue of registration certificates;
 - (b) the appointment, functions, duties and removal of officers, employees and servants of the Society and their remuneration;
 - (c) the time at which and the place where the annual meeting of the Society shall be held;
 - (d) the amount of and the method of collecting the registration fee for admission to membership in the Society and the annual fees to be paid by members;

- (e) the regulation of the conduct of the members of the Society, including the suspension or expulsion of any member for misconduct or violation of the by-laws of the Society;
- (f) the examination of applicants for registration;
- (g) the constitution of committees and of a board of examiners and prescribing the duties thereof;
- (h) the qualifications for membership in each of the six classes of membership and the forms, fees and procedure for election to membership in each of the six classes;
- (i) the election of members to the Committee;
- (j) the establishment of chapters of the Society within Ontario;
- (k) the affiliation with any other body having objects similar to those of the Society;
- (l) the procedure to be adopted at meetings; and
- (m) the conduct in all other particulars of the affairs of the Society.

(2) Such by-laws, rules and regulations, unless confirmed ^{Ratification} by a general meeting of the Society duly called for the purpose, shall have force until the next annual meeting following their approval and in default of confirmation thereat shall be null and void.

8. The officers of the Society shall be such as are determined ^{Officers} by the by-laws of the Society and they shall be elected or appointed as set out in the by-laws.

9.—(1) A general meeting of the Society shall be held ^{Annual meeting} annually for the purpose of conducting such business as may be brought before the meeting.

(2) A general meeting shall be held at such time and place ^{Idem} upon such notice and otherwise as is provided under the by-laws of the Society.

10.—(1) Every registered active member of the Society ^{Designation} shall have the right to use the designation "Registered Interior Designer" and may use after his name the initials "R.I.D." indicating that he is a registered interior designer.

Penalty	(2) Every person taking or using the designation "Registered Interior Designer" or the initials "R.I.D." or any name, title or description implying that he is a registered member of the Society, unless authorized so to do, or who by false or fraudulent declaration or statement attempts to procure registration under this Act is guilty of an offence and on summary conviction is liable to a penalty of not more than \$100 for each offence.
Payable to Society	(3) Every penalty recovered under subsection 2 shall be paid over forthwith by the magistrate to the Society.
Surplus	11. Any surplus derived from carrying on the affairs and business of the Society shall be devoted solely to promoting and carrying out its objects and purposes and shall not be divided among its members.
Continuation of office and of by-laws, rules and regulations	12. The Committee of Management of the Society of Interior Decorators of Ontario as constituted on the day this Act comes into force and all officers of the Society of Interior Decorators of Ontario shall continue in office until the first general meeting of the Society and all by-laws, rules and regulations of the Society of Interior Decorators of Ontario shall, except in so far as the same are inconsistent with this Act, continue in full force and effect until repealed, amended, modified or replaced by by-laws, rules or regulations made under this Act.
Commencement	13. This Act comes into force on the day it receives Royal Assent.
Short title	14. This Act may be cited as <i>The Society of Interior Designers of Ontario Act, 1956</i> .

BILL

An Act respecting
the Society of Interior Decorators
of Ontario

1st Reading

2nd Reading

3rd Reading

MR. COWLING

(*Private Bill*)

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act respecting
the Society of Interior Decorators of Ontario

MR. COWLING

(Reprinted as amended by the Committee on Private Bills)

No. 24

1956

BILL

An Act respecting the Society of Interior Decorators of Ontario

WHEREAS the Society of Interior Decorators of Ontario ^{Preamble} by its petition has represented that it is desirous of being continued as a body corporate and politic under the name "The Society of Interior Designers of Ontario" for the purpose of increasing the knowledge, skill and proficiency of its members in all things relating to interior designing and generally for the carrying out of the objects of the Society; and whereas the petitioner has prayed for special legislation to effect such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Society of Interior Decorators of Ontario is ^{Society continued} continued as a body corporate and politic under the name "The Society of Interior Designers of Ontario", herein called the Society.

2. The objects of the Society shall be to supervise the ^{Objects} training of, and to regulate standards of design and practice of its members.

3.—(1) All persons of good character resident in Ontario ^{Membership} who, on the day upon which this Act comes into force, are in good standing as members of the Society of Interior Decorators of Ontario shall be admitted to the register and, together with all other persons admitted to the register, shall constitute the membership of the Society.

(2) Application for registration as a member of the Society ^{Idem} shall be made in the manner and on the forms prescribed by the by-laws of the Society.

(3) The Society shall have six classes of members: namely, ^{Classes of members} active members, junior members, student members, associate members, honorary members and trade members.

- Record** **4.**—(1) A record, which shall be open for inspection to the public at all reasonable times, shall be kept containing the names of all members of the Society in good standing.
- Idem** (2) Only those members whose names appear in such record shall be entitled to the privileges of membership in the Society.
- Real and personal property** **5.** The Society may acquire by purchase, lease or otherwise, and hold real and personal property for its purposes and alienate, exchange, lease, mortgage or otherwise dispose of the same or any part thereof as occasion may require.
- Committee of Management** **6.**—(1) The affairs of the Society shall be under the management of a Committee of Management composed of nine members who shall be elected for such term and in such manner as the by-laws may provide.
- Voting** (2) The election of the Committee of Management, hereinafter called the Committee, and all other questions voted on at a meeting of the Society shall be decided by a plurality of the votes of the members present and entitled to vote or in such other manner as may be provided by the by-laws.
- Term of office** (3) The members of the Committee shall remain in office for the period fixed by the by-laws of the Society and shall continue in office until their successors are elected.
- Vacancy** (4) In case of a vacancy in the Committee through the resignation or death of a member or otherwise, the remaining members may fill the vacancy in such manner as the by-laws may provide.
- By-laws** **7.**—(1) The Committee may make by-laws, rules and regulations, not contrary to law or to the provisions of this Act, for all purposes relating to the affairs, business and property of the Society, its management, government, aims, objects and interests, including,
- (a) the registration of members and the issue of registration certificates;
 - (b) the appointment, functions, duties and removal of officers, employees and servants of the Society and their remuneration;
 - (c) the time at which and the place where the annual meeting of the Society shall be held;
 - (d) the amount of and the method of collecting the registration fee for admission to membership in the Society and the annual fees to be paid by members;

- (e) the regulation of the conduct of the members of the Society, including the suspension or expulsion of any member for misconduct or violation of the by-laws of the Society;
- (f) the examination of applicants for registration;
- (g) the constitution of committees and of a board of examiners and prescribing the duties thereof;
- (h) the qualifications for membership in each of the six classes of membership and the forms, fees and procedure for election to membership in each of the six classes;
- (i) the election of members to the Committee;
- (j) the establishment of chapters of the Society within Ontario;
- (k) the affiliation with any other body having objects similar to those of the Society;
- (l) the procedure to be adopted at meetings; and
- (m) the conduct in all other particulars of the affairs of the Society.



(2) Such by-laws, rules and regulations, unless confirmed ^{Ratification} by a general meeting of the Society duly called for the purpose, shall have force until the next annual meeting following their approval and in default of confirmation thereat shall be null and void.

8. The officers of the Society shall be such as are determined ^{Officers} by the by-laws of the Society and they shall be elected or appointed as set out in the by-laws.

9.—(1) A general meeting of the Society shall be held ^{Annual meeting} annually for the purpose of conducting such business as may be brought before the meeting.

(2) A general meeting shall be held at such time and place ^{Idem} upon such notice and otherwise as is provided under the by-laws of the Society.

10.—(1) Every registered active member of the Society ^{Designation} shall have the right to use the designation "Registered Interior Designer" and may use after his name the initials "R.I.D." indicating that he is a registered interior designer.

Penalty	(2) Every person taking or using the designation "Registered Interior Designer" or the initials "R.I.D." or any name, title or description implying that he is a registered member of the Society, unless authorized so to do, or who by false or fraudulent declaration or statement attempts to procure registration under this Act is guilty of an offence and on summary conviction is liable to a penalty of not more than \$100 for each offence.
Surplus	11. Any surplus derived from carrying on the affairs and business of the Society shall be devoted solely to promoting and carrying out its objects and purposes and shall not be divided among its members.
Continuation of office and of by-laws, rules and regulations	12. The Committee of Management of the Society of Interior Decorators of Ontario as constituted on the day this Act comes into force and all officers of the Society of Interior Decorators of Ontario shall continue in office until the first general meeting of the Society and all by-laws, rules and regulations of the Society of Interior Decorators of Ontario shall, except in so far as the same are inconsistent with this Act, continue in full force and effect until repealed, amended, modified or replaced by by-laws, rules or regulations made under this Act.
Application of Act R.S.O. 1950, cc. 292, 21	 13. —(1) Nothing in this Act or the by-laws, rules and regulations made under this Act shall be deemed to amend the provisions of <i>The Professional Engineers Act</i> or <i>The Architects Act</i> or shall be deemed to relieve any person from compliance with such Acts.
Idem	(2) Nothing in this Act shall prevent the practice of any profession or calling by any person practising the same under any general or special Act. 
Commencement	14. This Act comes into force on the day it receives Royal Assent.
Short title	15. This Act may be cited as <i>The Society of Interior Designers of Ontario Act, 1956</i> .

BILL

An Act respecting
the Society of Interior Decorators
of Ontario

1st Reading

February 9th, 1956

2nd Reading

3rd Reading

MR. COWLING

(Reprinted as amended by the
Committee on Private Bills)

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

**An Act respecting
the Society of Interior Decorators of Ontario**

MR. COWLING

(Reprinted as amended by the Committee of the Whole House)

BILL

An Act respecting the Society of Interior Decorators of Ontario

WHEREAS the Society of Interior Decorators of Ontario ^{Preamble} by its petition has represented that it is desirous of being continued as a body corporate and politic under the name "The Society of Interior Designers of Ontario" for the purpose of increasing the knowledge, skill and proficiency of its members in all things relating to interior designing and generally for the carrying out of the objects of the Society; and whereas the petitioner has prayed for special legislation to effect such purposes; and whereas it is expedient to grant the prayer of the petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Society of Interior Decorators of Ontario is ^{Society continued} continued as a body corporate and politic under the name "The Society of Interior Designers of Ontario", herein called the Society.

2. The objects of the Society shall be to supervise the ^{Objects} training of, and to regulate standards of design and practice of its members.

3.—(1) All persons of good character resident in Ontario ^{Membership} who, on the day upon which this Act comes into force, are in good standing as members of the Society of Interior Decorators of Ontario shall be admitted to the register and, together with all other persons admitted to the register, shall constitute the membership of the Society.

(2) Application for registration as a member of the Society ^{Idem} shall be made in the manner and on the forms prescribed by the by-laws of the Society.

(3) The Society shall have six classes of members: namely, ^{Classes of members} active members, junior members, student members, associate members, honorary members and trade members.

- Record** **4.**—(1) A record, which shall be open for inspection to the public at all reasonable times, shall be kept containing the names of all members of the Society in good standing.
- Idem** (2) Only those members whose names appear in such record shall be entitled to the privileges of membership in the Society.
- Real and personal property** **5.** The Society may acquire by purchase, lease or otherwise, and hold real and personal property for its purposes and alienate, exchange, lease, mortgage or otherwise dispose of the same or any part thereof as occasion may require.
- Committee of Management** **6.**—(1) The affairs of the Society shall be under the management of a Committee of Management composed of nine members who shall be elected for such term and in such manner as the by-laws may provide.
- Voting** (2) The election of the Committee of Management, hereinafter called the Committee, and all other questions voted on at a meeting of the Society shall be decided by a plurality of the votes of the members present and entitled to vote or in such other manner as may be provided by the by-laws.
- Term of office** (3) The members of the Committee shall remain in office for the period fixed by the by-laws of the Society and shall continue in office until their successors are elected.
- Vacancy** (4) In case of a vacancy in the Committee through the resignation or death of a member or otherwise, the remaining members may fill the vacancy in such manner as the by-laws may provide.
- By-laws** **7.**—(1) The Committee may make by-laws, rules and regulations, not contrary to law or to the provisions of this Act, for all purposes relating to the affairs, business and property of the Society, its management, government, aims, objects and interests, including,
- (a) the registration of members and the issue of registration certificates;
 - (b) the appointment, functions, duties and removal of officers, employees and servants of the Society and their remuneration;
 - (c) the time at which and the place where the annual meeting of the Society shall be held;
 - (d) the amount of and the method of collecting the registration fee for admission to membership in the Society and the annual fees to be paid by members;

- (e) the regulation of the conduct of the members of the Society, including the suspension or expulsion of any member for misconduct or violation of the by-laws of the Society;
- (f) the examination of applicants for registration;
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- (h) the qualifications for membership in each of the six classes of membership and the forms, fees and procedure for election to membership in each of the six classes;
- (i) the election of members to the Committee;
- (j) the establishment of chapters of the Society within Ontario;
- (k) the affiliation with any other body having objects similar to those of the Society;
- (l) the procedure to be adopted at meetings; and
- (m) the conduct in all other particulars of the affairs of the Society.

(2) Such by-laws, rules and regulations, unless confirmed ^{Ratification} by a general meeting of the Society duly called for the purpose, shall have force until the next annual meeting following their approval and in default of confirmation thereat shall be null and void.

8. The officers of the Society shall be such as are determined ^{Officers} by the by-laws of the Society and they shall be elected or appointed as set out in the by-laws.

9.—(1) A general meeting of the Society shall be held ^{Annual meeting} annually for the purpose of conducting such business as may be brought before the meeting.

(2) A general meeting shall be held at such time and place ^{Idem} upon such notice and otherwise as is provided under the by-laws of the Society.

10. Any surplus derived from carrying on the affairs and ^{Surplus} business of the Society shall be devoted solely to promoting and carrying out its objects and purposes and shall not be divided among its members.

Continua-
tion of
office and
of by-laws,
rules and
regulations

11. The Committee of Management of the Society of Interior Decorators of Ontario as constituted on the day this Act comes into force and all officers of the Society of Interior Decorators of Ontario shall continue in office until the first general meeting of the Society and all by-laws, rules and regulations of the Society of Interior Decorators of Ontario shall, except in so far as the same are inconsistent with this Act, continue in full force and effect until repealed, amended, modified or replaced by by-laws, rules or regulations made under this Act.

Application
of Act

R.S.O. 1950,
cc. 292, 21

12.—(1) Nothing in this Act or the by-laws, rules and regulations made under this Act shall be deemed to amend the provisions of *The Professional Engineers Act* or *The Architects Act* or shall be deemed to relieve any person from compliance with such Acts.

Idem

(2) Nothing in this Act shall prevent the practice of any profession or calling by any person practising the same under any general or special Act.

Commence-
ment

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. This Act may be cited as *The Society of Interior Designers of Ontario Act, 1956*.

BILL

An Act respecting
the Society of Interior Decorators
of Ontario

1st Reading

February 9th, 1956

2nd Reading

March 23rd, 1956

3rd Reading

MR. COWLING

*(Reprinted as amended by the
Committee of the Whole House)*

No. 24

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting
the Society of Interior Decorators of Ontario

MR. COWLING

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Society of Interior Decorators of Ontario

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- Committee of Management** **6.**—(1) The affairs of the Society shall be under the management of a Committee of Management composed of nine members who shall be elected for such term and in such manner as the by-laws may provide.
- Voting** (2) The election of the Committee of Management, hereinafter called the Committee, and all other questions voted on at a meeting of the Society shall be decided by a plurality of the votes of the members present and entitled to vote or in such other manner as may be provided by the by-laws.
- Term of office** (3) The members of the Committee shall remain in office for the period fixed by the by-laws of the Society and shall continue in office until their successors are elected.
- Vacancy** (4) In case of a vacancy in the Committee through the resignation or death of a member or otherwise, the remaining members may fill the vacancy in such manner as the by-laws may provide.
- By-laws** **7.**—(1) The Committee may make by-laws, rules and regulations, not contrary to law or to the provisions of this Act, for all purposes relating to the affairs, business and property of the Society, its management, government, aims, objects and interests, including,
- (a) the registration of members and the issue of registration certificates;
 - (b) the appointment, functions, duties and removal of officers, employees and servants of the Society and their remuneration;
 - (c) the time at which and the place where the annual meeting of the Society shall be held;
 - (d) the amount of and the method of collecting the registration fee for admission to membership in the Society and the annual fees to be paid by members;

- (e) the regulation of the conduct of the members of the Society, including the suspension or expulsion of any member for misconduct or violation of the by-laws of the Society;
- (f) the examination of applicants for registration;
- (g) the constitution of committees and of a board of examiners and prescribing the duties thereof;
- (h) the qualifications for membership in each of the six classes of membership and the forms, fees and procedure for election to membership in each of the six classes;
- (i) the election of members to the Committee;
- (j) the establishment of chapters of the Society within Ontario;
- (k) the affiliation with any other body having objects similar to those of the Society;
- (l) the procedure to be adopted at meetings; and
- (m) the conduct in all other particulars of the affairs of the Society.

(2) Such by-laws, rules and regulations, unless confirmed ^{Ratification} by a general meeting of the Society duly called for the purpose, shall have force until the next annual meeting following their approval and in default of confirmation thereat shall be null and void.

8. The officers of the Society shall be such as are determined ^{Officers} by the by-laws of the Society and they shall be elected or appointed as set out in the by-laws.

9.—(1) A general meeting of the Society shall be held ^{Annual meeting} annually for the purpose of conducting such business as may be brought before the meeting.

(2) A general meeting shall be held at such time and place ^{Idem} upon such notice and otherwise as is provided under the by-laws of the Society.

10. Any surplus derived from carrying on the affairs and ^{Surplus} business of the Society shall be devoted solely to promoting and carrying out its objects and purposes and shall not be divided among its members.

Continuation of office and of by-laws, rules and regulations

11. The Committee of Management of the Society of Interior Decorators of Ontario as constituted on the day this Act comes into force and all officers of the Society of Interior Decorators of Ontario shall continue in office until the first general meeting of the Society and all by-laws, rules and regulations of the Society of Interior Decorators of Ontario shall, except in so far as the same are inconsistent with this Act, continue in full force and effect until repealed, amended, modified or replaced by by-laws, rules or regulations made under this Act.

Application of Act

R.S.O. 1950, cc. 292, 21

12.—(1) Nothing in this Act or the by-laws, rules and regulations made under this Act shall be deemed to amend the provisions of *The Professional Engineers Act* or *The Architects Act* or shall be deemed to relieve any person from compliance with such Acts.

Idem

(2) Nothing in this Act shall prevent the practice of any profession or calling by any person practising the same under any general or special Act.

Commencement

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. This Act may be cited as *The Society of Interior Designers of Ontario Act, 1956*.



BILL

An Act respecting
the Society of Interior Decorators
of Ontario

1st Reading

February 9th, 1956

2nd Reading

March 23rd, 1956

3rd Reading

March 27th, 1956

MR. COWLING

No. 25

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act respecting the
Canadian National Exhibition Association

MR. FROST (Bracondale)

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 25

1956

BILL

An Act respecting the Canadian National Exhibition Association

WHEREAS the Canadian National Exhibition Association by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 2 of section 5 of *The Canadian National Exhibition Association Act, 1948* is amended by inserting after "council" in the fourth line "the Chairman of the Council of The Municipality of Metropolitan Toronto", so that the clause shall read as follows: 1948, c. 105,
s. 5, subs. 2,
cl. a, amended

- (a) the Mayor of the City of Toronto, all other members *ex officio*
members of the council of the said City, the Chief Constable of the said City, all other permanent heads of civic departments appointed by the said council, the Chairman of the Council of The Municipality of Metropolitan Toronto, and the respective heads of the councils of the following municipalities in the Greater Toronto area:

the Town of Mimico,
the Town of New Toronto,
the Town of Weston,
the Town of Leaside,
the Village of Swansea,
the Village of Long Branch,
the Village of Forest Hill,
the Township of Etobicoke,
the Township of York,
the Township of North York,
the Township of East York, and
the Township of Scarborough,

all of whom shall be *ex officio* members of the Association.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Canadian National Exhibition Association Act, 1956*.





BILL

An Act respecting the Canadian
National Exhibition Association

1st Reading

2nd Reading

3rd Reading

MR. FROST (Bracondale)

(Private Bill)

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the
Canadian National Exhibition Association

MR. FROST (Bracondale)

No. 25

1956

BILL

An Act respecting the Canadian National Exhibition Association

WHEREAS the Canadian National Exhibition Association by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 2 of section 5 of *The Canadian National Exhibition Association Act, 1948* is amended by inserting after "council" in the fourth line "the Chairman of the Council of The Municipality of Metropolitan Toronto", so that the clause shall read as follows: ^{1948, c. 105, s. 5, subs. 2, cl. a, amended}

- (a) the Mayor of the City of Toronto, all other members ^{ex officio} of the council of the said City, the Chief Constable ^{members} of the said City, all other permanent heads of civic departments appointed by the said council, the Chairman of the Council of The Municipality of Metropolitan Toronto, and the respective heads of the councils of the following municipalities in the Greater Toronto area:

the Town of Mimico,
the Town of New Toronto,
the Town of Weston,
the Town of Leaside,
the Village of Swansea,
the Village of Long Branch,
the Village of Forest Hill,
the Township of Etobicoke,
the Township of York,
the Township of North York,
the Township of East York, and
the Township of Scarborough,

all of whom shall be *ex officio* members of the Association.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Canadian National Exhibition Association Act, 1956*.

BILL

An Act respecting the Canadian
National Exhibition Association

1st Reading

February 9th, 1956

2nd Reading

February 24th, 1956

3rd Reading

March 14th, 1956

Mr. Frost (Bracondale)

No. 26

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the City of Toronto

MR. COWLING

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Toronto

WHEREAS The Corporation of the City of Toronto by Preamble
its petition has prayed for special legislation in respect
of the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the petition:

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The council of the Corporation may in any year increase Authority
the annual grant that it gives to the Toronto Convention and annual
Tourist Association, Inc., from \$17,500 to a total amount grant to
not exceeding \$25,000, for the maintenance of the Association, Toronto
and may agree to make annual grants of amounts not exceed- Convention
ing \$25,000 per year for periods not exceeding five years, and Tourist
for the maintenance of the Association. Association
to \$25,000

2. Notwithstanding any other Act, where the Corporation Collection
employs a solicitor or a counsel whose remuneration is wholly of costs
or partly paid by salary, annual or otherwise, the Corporation where cor-
shall have the right to recover and collect lawful costs in poration
all actions and proceedings in the same manner as if the solicitor or counsel
solicitor or counsel were not so remunerated. receives
salary

3. By-law No. 19538, passed by the council of the Corpora- Dry-cleaning
tion, entitled "A By-law respecting Dry-cleaning, Dry- by-law
dyeing and associated businesses", set forth as the Schedule confirmed
hereto, is hereby validated and confirmed, and the said by-
law may be amended from time to time to such extent as may
be approved by the Ontario Municipal Board.

4. The Corporation is authorized to pay to Toronto Payment of
Transit Commission the sum of \$47,922 for each of the years \$47,922 to
1954 and 1955 for providing free transportation during such T.T.C. for
years for blind persons and war amputees. each year
1954 and
1955
authorized

5.—(1) Subsections 4, 5, 6 and 7 of section 6 of *The City* 1936, c. 84,
of Toronto Act, 1936 are repealed and the following substituted s. 6,
therefor: subss. 4-7,
re-enacted

Lien for
loans made

- (4) The corporation shall have a lien upon the dwelling in respect of which an advance as provided in subsection 3 is made for the amount of such advance together with interest thereon at a rate to be fixed from time to time by the council, but which shall not exceed 5 per centum per annum, and the amount of such advance with the interest thereon shall be repayable to the corporation by the owner of such dwelling in equal consecutive annual payments which shall be collected over a period of years to be determined by the inspector, which period shall not exceed ten years but need not be the same in the case of each such advance, in the same manner and at the same time as the municipal real property taxes in respect of the said dwelling.

Certificate
of lien for
registration

- (5) A certificate of the clerk of the municipality setting out the amount advanced or to be advanced to or for the benefit of any owner under the provisions of subsection 3 or setting out the amount expended or to be expended by or on behalf of the corporation under the authority of subsection 6, including the rate of interest thereon, together with a description of the dwelling in respect of which any such amount was advanced or expended, or is to be advanced or expended, sufficient to identify the said dwelling shall be registered in the proper registry office or land titles office against the said dwelling upon proof by affidavit of the signature of the clerk, and upon repayment in full to the corporation of any such amount advanced or expended and the interest thereon, a certificate of the said clerk showing such repayment shall be similarly registered and the dwelling shall thereupon be freed from liability in respect of the amount advanced or expended and the interest thereon and from the lien arising therefrom.

Power of
corporation
to make
repairs

- (6) If any owner of a dwelling is unwilling to make same conform to the standard required by a by-law passed under the authority of this section, the corporation in addition to all other remedies shall have the right to make the said dwelling conform to such standard, including the right to demolish or cause to be demolished any building, structure or erection forming part of such dwelling and to do any work on adjoining property necessitated by such demolition, and for those purposes with its servants and agents from time to time to enter upon the lands of the said owner, and the corporation shall not be liable to compensate such owner or any other person

by reason of anything done by or on behalf of the corporation under the provisions of this subsection; and for any amount expended by or on behalf of the corporation under the authority of this subsection, the corporation shall have a lien for the amount expended together with interest thereon at a rate to be fixed in the manner provided in subsection 4 upon the dwelling in respect of which such amount was expended and the certificate of the clerk of the municipality as to such amount shall be final, and such amount shall be added to the collector's roll of taxes for the current year and shall be collected in the same manner as real property taxes.

- (7) Notwithstanding any other Act, a by-law passed Enforcement under the authority of this section or any by-law to provide for the safety of buildings shall be enforceable in the same manner as a by-law passed under the authority of *The Municipal Act*, and any such R.S.O. 1950, c. 243 by-laws may impose penalties of not more than \$300, exclusive of costs, upon every person who contravenes any provision of this section or of any by-law passed under the authority of this section, or of any by-law to provide for the safety of buildings.
- (2) Subsection 9 of the said section 6 is repealed and the 1936, c. 84, s. 6, subs. 9, re-enacted following substituted therefor:
- (9) Before proceeding under subsection 3 or 6, the Notice to mortgagees and others corporation shall notify any mortgagee, vendor under agreement for sale or other encumbrancer appearing on the registered title, by registered letter, specifying wherein the said dwelling unit, building or premises are defective, and if the defects are not remedied within one month from such notification, then the provisions of subsections 3 and 6 shall apply.
- (3) The said section 6, as amended by section 3 of *The* 1936, c. 84, s. 6, amended *City of Toronto Act, 1941* and section 4 of *The City of Toronto Act, 1955*, is further amended by adding thereto the following subsection:
- (12) A by-law passed under the authority of this section Progress certificates authorized may authorize an official named in the by-law to issue a certificate as to what proceedings, if any, are being taken as of the date of the certificate and the amount of money advanced pursuant to the provisions of this section or the provisions of any by-law to provide for the safety of buildings, and may authorize the collection of a fee for the issue of any such certificate.

Conveyance
confirmed

6. The conveyance by The Corporation of the City of Toronto to Lord Simcoe Hotel Limited, dated the 14th day of October, 1955, of Lot No. 6 on the north side of King Street West according to a plan filed in the Registry Office for the Registry Division of Toronto as No. 736-E, and registered on the 14th day of November, 1955, as No. 41721 E.S. in the said Registry Office, is ratified, confirmed and declared to be legal, valid and binding.

Pensions for
employees of
Toronto
Public
Library
Board
R.S.O. 1950,
c. 310

7. In addition to the authority contained in *The Public Libraries Act*, the Toronto Public Library Board, subject to the approval of the Minister of Education, is authorized in establishing a pension plan for its permanent employees, or any class thereof, to include provisions similar to any of the provisions in the by-law providing a pension plan for Toronto Civic Employees, which by-law is set forth as Schedule A to *The City of Toronto Act, 1954*.

1954, c. 133

1955, c. 117,
s. 3,
re-enacted

8. Section 3 of *The City of Toronto Act, 1955* is repealed and the following substituted therefor:

O'Keefe
Foundation
or O'Keefe
Centre

3.—(1) The Corporation may from time to time acquire land for the purposes of The O'Keefe Foundation or O'Keefe Centre.

Idem

(2) Upon payment to the Corporation of any expenses incurred by it in connection with the acquisition of any land under this section or any predecessor of this section and the transfer thereof, the Corporation may convey any land so acquired to O'Keefe Centre.

Purposes

(3) All land conveyed to O'Keefe Centre under this section shall be used only for the purposes of an auditorium, a cultural, civic or community centre or any purposes within the corporate powers and objects of O'Keefe Centre or for any other purposes as may be approved by the Corporation.

Commence-
ment

9.—(1) This Act, except section 7, comes into force on the day it receives Royal Assent.

Idem

(2) Section 7 shall be deemed to have come into force on the 28th day of June, 1954.

Short title

10. This Act may be cited as *The City of Toronto Act, 1956*.

SCHEDULE

BY-LAW No. 19538

A By-law respecting Dry-Cleaning, Dry-Dyeing and associated businesses.

(Passed November 7, 1955.)

The Council of the Corporation of the City of Toronto enacts as follows:

PART I

BY-LAWS REPEALED

1. By-law No. 14108 passed by the Council of the Corporation of the City of Toronto on the 14th day of May, 1934, and all amendments thereto are hereby repealed.

PART II

SECTION 2—DEFINITIONS

2. In this by-law, unless a contrary intention appears,

- (a) "branches" are premises occupied by wholly owned subsidiary branches of dry cleaning plants, as defined herein, which are operated solely for the purpose of receiving from customers, and delivering to customers, either over the counter or by vehicles, all goods to be processed, or processed and/or placed in storage by the dry cleaning plant owning and operating such branches;
- (b) "cleaning" is a process of dry cleaning, or a process of wet cleaning, as defined herein;
- (c) "customers" means persons requesting that a service be performed for them by a licensee and/or a party required to file proof of financial responsibility under the provisions of this By-law;
- (d) "dry cleaning" is a process of cleaning goods by immersion and agitation, or by immersion only, in volatile solvents, (including but not by way of limitation, solvents of the petroleum distillate type, the coal tar distillate type, and the chlorinated hydrocarbon type), and any or all of the standard processes incidental thereto and including wet cleaning, pressing, spotting, finishing, dyeing, repairing and storage;
- (e) "dry cleaning plant" means any premises, building, room or establishment commonly known to the trade as a cleaning plant, equipped to perform the service of dry cleaning, and wet cleaning, pressing, spotting, finishing, dyeing, repairing, and/or storage, all as defined herein, and which receives from customers and delivers to customers all goods to be processed, or processed, and/or placed in storage by the dry cleaning plant, either over the counter, or by vehicles, through branches, press shops, and/or receiving and distributing depots;
- (f) "dry dyeing" is a process of colouring goods by the use of aniline dyes, mordants, or acid, with or without steam;
- (g) "financial responsibility" means the ability of a licensee under this By-law to pay and satisfy any and all judgments obtained by any customer against the licensee in respect to goods received by the said licensee from such customer;
- (h) "fire-resisting construction" shall mean fire-resisting construction as defined by the Building By-law of the City of Toronto as amended;

- (i) "goods" wherever used, shall mean goods in bailee and include any and all articles of clothing, fabrics, furs, hats, textiles, household goods and/or furnishings, delivered to, or in the possession of a licensee under this By-law, for the purpose of dry cleaning and/or wet cleaning, pressing, spotting, finishing, dyeing, repairing and/or storage;
- (j) "pressing and/or finishing" is a process of restoring goods to the original shape, dimensions, or contour thereof, or to those in which the same were received from the customer, or as directed by the customer, and the removal of wrinkles, stresses, bulges, and impressions, imprint marks and shine, from goods by the application of pressure, heat, moisture, water vapour or steam, or all of them, whether applied manually or by any mechanical means;
- (k) "press shops" are premises used for the purposes of receiving from customers, and delivering to customers, either over the counter or by vehicles, all goods to be processed, or processed and/or placed in storage. Press shops may within the premises occupied, do pressing, spotting, repairing and/or finishing goods all as defined herein, but shall not operate the process of cleaning as defined herein, which processes shall be done on behalf of the press shop by a dry cleaning plant as defined herein;
- (l) "receiving and distributing depots" are premises used solely for the purpose of receiving from customers, and delivering to customers, either over the counter or by vehicles, all goods to be processed, and/or placed in storage;
- (m) "repairing" means and includes the making of minor repairs and restorations, reaffixing, replacing or restoring buttons and other fastening devices, and decorative materials to the goods either before or after completion of one or more of the processes herein defined as required by the customer;
- (n) "spotting and stain removing" is a process of removing spots, or stains, or localized areas of soil, from goods either before or after and with or without dry cleaning or wet cleaning, by brushing, spraying, or other means of manual or mechanical application other than immersion, with water detergents and volatile or inflammable solvents, or chemicals, or any, or all, of them;
- (o) "storage" as applicable to those licensed under this By-law shall be defined as a service for the storage of goods in a complete and properly locked up storage vault or room, and the word "cold" may be prefixed where cold storage facilities are provided. Such storage vault or room shall be of fire-resisting construction throughout, equipped with approved fire-proof burglar-proof locking devices and so equipped to prevent damage to contents from moths and vermin;
- (p) "wet cleaning" is the process of cleaning goods by immersion in water, or by applying manually or by any mechanical device, water, or any detergent and water, or by spraying or brushing the goods with water, or water and any detergent, or water vapour, or steam;
- (q) "vehicles" are vehicles of any kind which are used by a dry-cleaning plant, press shop and/or a receiving and distributing depot for the purpose of receiving from customers, and delivering to customers, all goods to be processed, or processed and/or placed in storage;
- (r) "independent vehicles" are vehicles of any kind which are used for the purpose of receiving from customers, and delivering to customers, all goods to be processed, or processed and/or placed in storage when such vehicles are not owned or operated by and/or bear the same name as a business defined herein as a dry cleaning plant, press shop, and/or a receiving and distributing depot.

SECTION 3—EXCEPTION

3. The provisions of this By-law shall not apply to laundries as defined by By-law No. 4942 passed by the council of the Corporation of the City of Toronto on the 13th day of May, 1907, and amendments thereto.

PART III

SECTION 4—BUSINESS LICENSED

4. The Commissioner of Buildings shall be the Inspector of Dry-Cleaning, whose duty it shall be to see that the provisions of this By-law are carried out.

5. No person shall use any land in the City of Toronto for the purposes of the business of dry-cleaning, dry-dyeing, cleaning and pressing and spotting or stain-removing, including land used for the purpose of receiving goods to be subjected to any such process and for the distribution of goods which have been subjected to any such process, without having first obtained from the Corporation of the City of Toronto a license so to do.

6. No person shall engage in the business of or operate a dry-cleaning plant, branch, press shop, and/or a receiving and distributing depot as hereinbefore defined without having first obtained a license so to do from the Inspector of Dry-Cleaning. The owner or occupant of any building or premises or part thereof, shall not use or permit to be altered or used, any such building or premises or any part thereof, for or in connection with any one or more of the types of business defined herein unless and until the requisite license or licenses has or have been obtained.

7. Application for a license under this By-law shall be made in the form of a Declaration to the Inspector of Dry Cleaning in duplicate upon official forms obtainable for the purpose at the office of the said Inspector but no such application shall be required where a licensee desires renewal of a license if the facts and conditions relating thereto are the same as when the original license was issued. Such forms shall be completed by the applicant or a legally authorized agent for the applicant, and the following information inter alia will be required by the said Inspector:

- (a) the type or types of business the applicant intends to conduct and the location of same;
- (b) the construction of the premises where such business will be carried on;
- (c) the details of installation and operation of any or all machinery or plant and any other matters having a bearing upon the safety of any building, premises, property, goods or equipment or of a person or persons in or about the premises;
- (d) the legal status of the applicant.

A partnership, or a firm of two or more persons, or a corporation desiring to carry on a business requiring a license hereunder shall obtain a license on its behalf in the name of some person, named in the application for such license who will be engaged in the business to be carried on by the partnership, firm or corporation, as a partner or an officer, as the case may be.

8. Every applicant for a license under this By-law shall file with the Inspector of Dry-Cleaning proof of the applicant's financial responsibility in the following amounts in respect of each of the following types of business:

- (a) dry-cleaning plant including branches and vehicles operated thereby..... \$5,000.00
- (b) press shop and/or receiving and distributing depot.. 1,000.00
- (c) independent vehicle..... 5,000.00

- (d) vehicles owned and operated by or on behalf of a dry-cleaning plant, press shop and/or a receiving and distributing depot doing business in the City of Toronto, but not using any land in the City of Toronto \$1,000.00

Proof of financial responsibility may be a bond issued by a surety company licensed under the laws of the Province of Ontario or in any form satisfactory to the Inspector of Dry-Cleaning. Should such proof of financial responsibility filed by a licensee hereunder become void for any cause whatsoever, the license or licenses as the case may be of such licensees may forthwith be deemed cancelled.

9. Where it is proposed to extend a licensed business by the installation of additional machines, plant, dry-cleaning or dry-dyeing equipment or otherwise to any other portion of the building or premises, or to an adjoining building or premises, such extensions shall be approved by the Inspector of Dry-Cleaning before being proceeded with.

Where it is proposed to extend a licensed business to a location other than upon the same or adjoining premises, such extension shall for the purpose of this By-law be considered as the establishing of a new business and a separate and distinct license covering the new premises shall be obtained.

10. In the case of business existing at the time of the passing of this By-law, the Inspector of Dry-Cleaning may allow such variations from structural requirements hereinafter set out as he may approve of, where such variations will not in his opinion unreasonably affect the safety of the public.

11. When the Inspector of Dry-Cleaning is satisfied that all work has been completed in connection with the premises and equipment, and all other requirements of this By-law have been complied with, and further, is satisfied in the interests of safety and health of persons in or about the premises, and of the safety of property, that all reasonable precautions against fire, explosions, injury to health or accident have been taken, and upon payment of the proper fee he shall grant the necessary license.

Every license issued under this By-law shall be made out in duplicate and be signed by the Inspector of Dry-Cleaning who is hereby authorized to issue such license and sign same on behalf of The Corporation of the City of Toronto. One copy shall be delivered to the person licensed, who shall exhibit the same in a conspicuous position upon the licensed premises where it may be viewed by any customer, and the other shall be retained by the Inspector of Dry-Cleaning. An independent vehicle shall be supplied with and required to display a numbered identification plate or tag as evidence of compliance with the provisions of Part III Section 8 herein.

12. The annual fee to be paid for a license to use land for the purpose of operating a dry-cleaning plant, branch, press shop, receiving and distributing depot in the City of Toronto, as defined herein shall be as follows:

For dry-cleaning plants using flammable solvents.	\$100.00
Plus \$10.00 for each branch	
For dry-cleaning plants using non-flammable solvents.	50.00
Plus \$10.00 for each branch	
(A duplicate license will be issued for each branch)	
For press shops or any processes other than dry-cleaning.	25.00
For receiving and distributing depots.	10.00

13. All licenses issued under this By-law unless they are expressly granted for a shorter period, shall be operative for the calendar year current at the time of issuing thereof, and shall expire on the 31st day of December next succeeding the date of the issuing of the same. For a license issued between the 1st day of January and the 30th day of June, inclusive, in any year, the amount to be paid shall be equal to the fee for the full year, and for any license issued subsequently to the 30th day of June in any year, the amount to be paid shall be equal to one-half of the fee for the full year.

Any license issued under the provisions of this By-law shall be non-transferable and is to be considered a personal license.

14. Every building, structure, plant and method of operation used in connection with any business or establishment licensed under this By-law shall be subject to inspection from time to time by the Inspector of Dry-Cleaning or any of his assistants. The licensee shall afford every facility for such inspection and shall not at any reasonable time refuse admission to such officer or any of his assistants.

15. No volatile or flammable liquid in excess of one quart of each such fluid shall be used in any part of building, other than that portion licensed for dry-cleaning purposes.

16. In case of accident from fire or explosion resulting from the operation of any such business or establishment, the licensee shall immediately report such accident to the Inspector of Dry-Cleaning, who shall, after investigating the cause or causes of such accident, immediately record a full and detailed report of same.

17. No person licensed under the provisions of this By-law shall keep his place of business open to the public or allow any customer to be served therein on any day after the hour of six o'clock in the afternoon.

18. (a) The Council of the Corporation of the City of Toronto may revoke any license issued under the provisions of this By-law.

(b) Notice of the revocation of any license may be given by the Council by prepaid registered mail to the address given by the licensee in the application for a license and upon such notice being mailed as aforesaid the license revoked shall cease and terminate and be of no further effect.

(c) Where a license is revoked the licensee shall be entitled to a refund of a part of the license fee proportionate to the unexpired part of the term for which it was granted.

19. No licensee shall conduct the business licensed or advertise or solicit business under a name other than the name which appears on the license for such business. All premises, vehicles and printed matter used for or in connection with a business licensed hereunder shall bear the name which appears on the license for such business.

An independent vehicle shall have the following words displayed on both sides of such vehicle in a clear and legible manner, "Agent for Dry Cleaning", and all printed matter issued or distributed to customers of such independent vehicles shall include the same wording required to be displayed on the vehicle proper.

20. Every applicant for a license under this By-law shall satisfy the Inspector of Dry-Cleaning that the applicant has insured and will continuously keep insured all goods as defined herein from the time such goods are received for or on behalf of the applicant from a customer until such time as the said goods are returned to the customer by or on behalf of the applicant; such insurance shall be underwritten by an insurer licensed under the laws of the Province of Ontario to do business in Ontario, and shall insure all goods as aforesaid against loss and/or damage by fire, smoke, theft, flood and other risks, common to such insurance.

The Inspector of Dry-Cleaning shall have the right to require the applicant to produce a certificate from the insurer showing the maximum amounts for which insurance has been obtained covering such goods and the premium receipt therefor. Should such insurance be cancelled or allowed to lapse, or otherwise become void, the license of such licensee shall be revoked.

In lieu of insurance as aforesaid, the applicant may deposit and keep on deposit with the Inspector of Dry-Cleaning evidence satisfactory to the said Inspector of the financial responsibility of the applicant to satisfy all claims and demands in respect of goods in the custody of the applicant for loss and/or damage by fire, smoke, theft, flood and other risks common to such insurance.

21. A licensee upon receiving any goods from a customer must hand the customer a receipt for such goods showing:

- (a) the name and address of the licensee;
- (b) the license number of the licensee;
- (c) such information as may be applicable in conformity with Part III Section 19 hereof;
- (d) and when requested by the customer, the name and address of the customer and a description of such goods.

PART IV

REQUIREMENTS FOR BUILDINGS WHEREIN FLAMMABLE SOLVENTS ARE USED

22. In addition to complying with the requirements of the Building By-law or any other By-law of the City of Toronto, every building or part thereof actually used for dry-cleaning, dry-dyeing, drying, clarifying or refining purposes shall comply with the following regulations:

23. No portion of any such building shall be used for human habitation and no accommodation therefor shall be provided in any such building.

24. Each such building shall be located a distance of at least one hundred feet from any church, school or other public building, at least ten feet from any other building, and at least ten feet from all street and lot lines, and in such location as to render easy access in case of fire or accident.

25. Each such building shall not exceed one storey in height, which shall be not less than fourteen feet in the clear from floor to ceiling. There shall be no basement or cellar or open spaces underneath the floor, nor shall the floor area exceed twenty-five hundred square feet.

26. All enclosing walls and all internal walls shall be of brick, concrete, tile or other fire-resisting material approved by the Inspector of Dry-Cleaning, the minimum thickness of which shall be thirteen inches, and all mortar used shall be cement mortar.

27. The roof over every room and over every hall or corridor connected therewith, shall be constructed of and supported by fire-resisting construction. In the roof over each room, hall, or corridor there shall be left an opening equal in area to at least ten per cent of the floor area of such room, hall or corridor and this roof opening shall be provided with an approved incombustible automatically opening skylight.

28. Floor shall be constructed of fire-resisting material and laid not lower than the grade adjoining the building and accurately graded to drainage outlets.

29. At least two exits shall be provided from every washing room and one of these exits shall lead directly to the outside air.

30. Every door shall be constructed of fire-resisting material and shall open in an outward direction.

31. Window openings shall be equipped with metal sash and wired glass glazed on the outside. A section of each opening shall be hinged vertically and afford an opening of about three feet by four feet to permit escape from the building. In each such section there shall be provided one sheet of clear glass so located that, when broken, the window may be readily opened from the outside.

32. All shafting necessary for the operation of the machines and apparatus shall enter the dry-cleaning, dry-dyeing, and drying rooms

through the smallest necessary openings in the walls. Such openings shall be at least ten feet above the floor and protected so as to prevent the propagation of flame or explosion through them.

33. Every such building shall be ventilated by means of apertures each not less than sixty square inches in area located in the external walls at the floor level and spaced not over six feet centres. Such apertures shall be covered with a wire screen having at least two meshes to the inch or its equivalent, and same shall be kept clear of all obstructions and the building shall be equipped with fans or other ventilating devices. The ventilating system shall be so arranged as to completely change the air every two minutes while the plant is in operation. Other types of ventilating systems may be provided in lieu of the above if approved in writing by the Inspector of Dry-Cleaning. Fumes from exhaust fans shall be discharged in such places as will not create nuisance or hazard and all exhaust piping and outlets to same shall be constructed to the satisfaction of the Inspector of Dry-Cleaning.

34. All artificial lighting shall be by incandescent electric lights. All electrical wiring and other electrical equipment shall conform to the requirements of Part I of the Canadian Electrical Code for Class I Hazardous Locations. Every installation of such wiring and equipment shall be to the full approval of the Electrical Inspection Department of the Hydro-Electric Power Commission and before operating any equipment in the building the licensee shall submit to the Commissioner of Buildings a certificate from such Department stating that such installation has passed an insulation test and complies with the requirements of the Canadian Electrical Code for Class I Hazardous Locations.

35. Such buildings shall be provided with perforated steam pipes having an internal diameter of not less than two inches, so connected as to equalize the distribution of steam, and so placed that the steam when turned on will quickly fill the entire building. Such steam pipes shall be provided with perforations not less than one-quarter of an inch in diameter equally spaced so that there shall be at least one opening to each twenty-five square feet of floor space. Outside the building there shall be placed in the service line or lines connected with such perforated steam pipes a quick acting lever valve which shall be accessible for operation in case of fire. The steam supply for such pipes shall be available at all times for service while the plant is in operation, and shall be sufficient to completely fill the building in not more than one minute. Other efficient fire extinguishing systems approved in writing by the Chief of the Fire Department may be provided in lieu of those provided for in this paragraph.

PART V

INSTALLATION AND OPERATION EQUIPMENT

36. All water, sludge, waste liquids etcetera, from stills, cleaning rooms, or other rooms where cleaning liquids are used shall pass through an interceptor or trap before entering the drains and such trap or interceptor shall be satisfactory to the Commissioner of Works. The responsibility of maintaining the trap or interceptor in working order rests with the licensee who shall see that no cleaning liquids enter the drain.

A concrete slab with an 8-inch curb all around shall be provided outside the dry-cleaning room in which to store all flammable sludge pending its removal from the plant.

37. Except as hereinafter provided, no gas or gasoline engine, boiler, steam generator, electrical dynamo or motor, heating or pressing device, or other apparatus that may cause flame or sparking, shall be located, maintained or used inside of, or within a distance of fifteen feet of any building used for dry-cleaning or dry-dyeing. It is provided, however, that an electric motor may be placed within such space of fifteen feet provided it is located outside of a masonry or concrete wall, or an explosion-proof electric motor may be located inside any such building provided such motor together with the necessary appurtenances and control apparatus are constructed and maintained in accordance with the requirements of Part I of the Canadian Electrical Code for Class I Hazardous Locations.

Every installation of a motor inside any such building shall be to the full approval of the Electrical Inspection Department of the Hydro-Electric Power Commission of Ontario, and before operating any equipment in the building the licensee shall submit to the Commissioner of Buildings a certificate from such Department stating that such installation has passed an insulation test and complies with the requirements of the Canadian Electrical Code for Class I Hazardous Locations.

The heating of such buildings shall be only by use of steam or hot water systems.

38. All shafting, pulleys, piping and metallic parts of machines shall be properly grounded by at least 10-gauge copper wire connected to a waterpipe or other grounding device. This system of grounding shall be examined and tested by the licensee at least once each week and shall be kept in good repair at all times.

39. All tables, racks, shelves and cupboards used for the hanging and storing of fabrics shall be of incombustible material.

40. One approved chemical fire extinguisher, and three pails of sand shall be provided for each five hundred square feet of floor space.

41. At least two asbestos sheets and one pike pole of approved length and design shall be kept ready for immediate use in a convenient place adjacent to the cleaning room.

42. All flammable liquids or mixtures of flammable and non-flammable liquids shall be stored in steel tanks which shall be located outside of the building and buried underground to such a depth as will secure a covering of earth of at least three feet below the level of the surface of the adjoining ground and shall not in any event be placed, constructed or maintained under a public sidewalk or in a sidewalk area. The location thereof and their contents and hazards shall be plainly marked by a sign approved by the Inspector of Dry-Cleaning.

43. Tanks shall be coated on the outside with a rust preventive.

44. Tanks shall have a total capacity of not more than 9,000 gallons, and single tanks shall have a capacity of not more than 3,000 gallons each.

45. Each tank shall be provided with a vent pipe the internal diameter of which shall not be less than:

Up to 500 gallons.....	1 1/4"
501 to 2,500 gallons.....	1 1/2"
2,501 to 3,000 gallons.....	2"

extending from the top of the tank to a point not less than two feet above the roof of the building in a location approved by the Inspector of Dry-Cleaning.

46. Each tank shall be provided with a filling pipe not less than two and one-half inches in diameter and with inclination towards the tank to insure proper drainage. The intake end of such pipe shall in no case be located inside of any building and shall be enclosed in an iron box or hood set level with or above the surface of the ground and provided with a brass screw cap firmly attached to the filling pipe by a strong metal chain. When the filling pipe is not in use the screw cap shall be securely screwed on the inlet and the box or hood securely locked.

47. All pipes connected to storage tanks shall enter or be attached to same at the top. Service pipes carrying volatile substances from the storage tanks to the dry-cleaning and dry-dyeing machines or apparatus shall extend from the top of the tank and the controlling cocks or valves in the said service pipes shall be kept closed when not in use. All underground piping shall be galvanized or painted with a rust-proof paint and no underground pipe shall be less than 1 1/4 inches in diameter.

48. All tanks and piping shall be tested in the presence of an inspector before back-filling. All tanks shall be equipped with ball floats or gauges or be so arranged as to detect overflowing of the fill pipes to the satisfaction of the Inspector of Dry-Cleaning.

49. Deodorizing tumblers or deodorizing apparatus of any type shall be fitted with explosion doors, automatic steam valves and proper ventilating devices.

50. Where a ventilating system consists of flues, such flues shall be kept clear and all flues in connection with deodorizing apparatus shall be kept clear.

51. All distillation and refining of flammable liquids shall be carried on, and all open plate and frame filters shall be used, in a room separate from the dry-cleaning room and such room shall be not less than eighty square feet in area.

52. Continuous clarifiers that have no open flow shall be allowed in the dry-cleaning room if absolutely essential to the efficient operation of the plant otherwise same shall be located in the distillation room. Gauges and sight glasses shall be so located as to be protected from damage.

53. All dry-cleaning, washing, extracting and redistilling shall be carried on in closed machines which are fluid-tight; washers shall have hinged doors and shall be so arranged that in case of an explosion the doors will automatically close. All such machines shall be equipped with doors to be used for cleaning-out purposes only.

54. Where extractors are used in connection with a charge system, the valve system must be designed to prevent over-flowing of extractor or building up of excessive pressure.

55. Scrubbing and brushing may be performed in the dry-cleaning room but only when flammable liquids are contained in a metallic pan or container. All flammable liquids used shall be returned to the settling or storage tanks as soon as the brushing or cleaning operation is completed.

56. The transfer of all liquids shall be through continuous piping and all outlet or drain pipes shall be drained by gravity or pumps to settling or storage tanks. Pumps only shall be used in feeding the supply pipes and such devices shall be located as to insure the return of all liquids to the storage tanks by gravity when the operation is completed. At the close of the day's operations all liquids contained in washers, extractors, stills or other receptacles shall be returned to the storage or settling tanks.

57. Smoking and the carrying of matches upon the premises shall be prohibited and notices to this effect shall be conspicuously posted.

58. Washing machines shall remain closed and liquid containers covered when containing solvent except for the necessary length of time required for loading and unloading.

59. If a flammable liquid is mixed with a non-flammable liquid for dry-cleaning, dry-dyeing, or spotting or stain-removing purposes such mixture or compound shall be considered flammable and be subject to the requirements of this by-law as flammable liquids.

60. Electric irons shall not be used in any building where dry-cleaning or dry-dyeing is done.

PART VI

NON-FLAMMABLE SOLVENTS

61. Notwithstanding anything heretofore contained in this By-law, dry-cleaning machinery in which volatile and non-flammable liquids only are used may be installed subject to the regulations hereinafter set forth.

62. The application for, and the license for any such business or establishment shall clearly state the nature and composition of the liquids to be used, and no other liquids whatsoever shall be used in such machine or machines. The applicant shall provide the Inspector of Dry-Cleaning with the necessary information regarding the chemical constituents of the liquid used.

63. Machines shall be erected or installed only in locations approved by the Inspector of Dry-Cleaning.

In buildings of which any portion is used for the purpose of human habitation, machines may be installed on the first floor only of such buildings provided there is no accommodation for human habitation on the first floor or in the basement.

There shall be no access between any room where a machine or machines are installed and operated, and any other portion of a building used for human habitation.

64. Where the whole unit is totally enclosed and so arranged that the materials cleaned remain continuously in the machine during the process of washing, extracting and dry tumbling respectively, it need not be enclosed in a special room provided mechanical ventilation is provided in the room containing the unit; such mechanical ventilation system to be so connected that same operates automatically with the operation of the dry-cleaning unit.

65. When an open or semi-open type of machine or machines are installed there shall be provided fresh air inlets and exhaust fans in locations and manner subject to the approval of the Inspector of Dry-Cleaning. Where closed type machines are installed there shall be provided an exhaust fan on each machine and also exhaust fans sufficient to properly ventilate the room, subject to the approval of the Inspector of Dry-Cleaning.

Whether open or closed types of machines are used, sufficient ventilation shall be provided to completely change the air in dry-cleaning, drying and deodorizing rooms at least every two minutes and all doors of dry-cleaning room shall be self-closing.

66. Fumes from exhaust fans shall be discharged in such places as will not create nuisance or hazard and all exhaust piping and outlets to same shall be subject to the approval of the Inspector of Dry-Cleaning.

67. Ventilation systems shall be kept in operation during the whole period machines are in use and also while dry-cleaning articles are being dried or deodorized.

68. Floors of rooms where a machine or machines are located shall be formed of impervious material in order to prevent absorption of solvents and to prevent the passage of fumes. All such floors shall be constructed to the satisfaction of the Inspector of Dry-Cleaning.

69. All walls and partitions enclosing rooms which contain a machine or machines shall be constructed gas-tight.

70. All openings leading into rooms containing a machine or machines shall have tight-fitting doors and proper automatic door closers.

71. Pipes passing through floors shall pass through long sleeves made gas-tight.

72. Liquids shall be stored in such a manner as is approved by the Inspector of Dry-Cleaning and shall be transferred from machine to tanks or vice versa through continuous rigid metal piping. Liquids shall be stored and used in such a manner as to minimize evaporation and all containers shall be air-tight.

PART VII

REQUIREMENTS FOR SPOTTING AND STAIN-REMOVING ESTABLISHMENTS

73. Spotting and stain-removing as defined in Part II Section 2 of this By-law shall be carried on only in accordance with the following regulations:

74. Volatile or flammable liquids shall not be applied or used when contained in open receptacles but only when used or applied from an automatically closing safety container of not more than one quart capacity.

75. All spotting and stain-removing shall be carried on clear of the main exit of the premises subject to the approval of the Inspector of Dry-Cleaning.

Two separate exits shall be provided in each room where stain-removing operations are carried on.

76. Electric irons used in connection therewith shall be provided with incombustible stands and all connections for such irons shall be provided with pilot lights.

77. Stain-removing by the use of flammable liquids shall in no case be done in a room or enclosure where there is an open flame, light or spark.

78. If the liquid or compound used for stain-removing is toxic, proper ventilation shall be provided and the necessary precautions taken as required by Part VI of this By-law.

PART VIII

DAINGEROUS CONDITIONS

79. Whenever, in the opinion of the Inspector of Dry-Cleaning, any dry-cleaning, dry-dyeing or spotting and stain-removing plant or premises or any parts thereof, are in a dangerous condition or causing a condition that may become dangerous, the licensee thereof shall be notified wherein such danger exists and he shall immediately proceed to remedy the cause or defect.

80. Where the person licensed fails or neglects after notice to remedy the same and in the opinion of the Inspector of Dry-Cleaning the condition is such as to endanger life or property or cause serious accident and that such danger may be averted by taking precautionary measures, he shall have power to take such measures as in his opinion may be necessary at the expense of the person licensed, and all costs and expenses incurred in connection therewith shall be borne by the person licensed and may be recovered by action at the instance of the Corporation or in like manner as municipal taxes.

PART IX

PENALTIES FOR NON-COMPLIANCE

81. Any person convicted of a breach of any of the provisions of this By-law shall forfeit and pay, at the discretion of the convicting Magistrate, a penalty not exceeding (exclusive of costs) the sum of Three Hundred Dollars for each offence.

Upon conviction for a breach of any of the provisions of this By-law the convicting Magistrate, besides imposing penalty under the preceding paragraph of this section, may order the offender to carry out the requirements of this By-law within a time to be limited by the order. In default of the offender carrying out such order the said Magistrate may order the Inspector of Dry-Cleaning or any other person, to forthwith enter upon the premises where the said breach has taken place and demolish or remove at the expense of the offender the said construction or the part thereof erected contrary to the provisions of this By-law. The municipality may recover the expense incurred in so doing by action or the same may be recovered in like manner as municipal taxes.

The conviction of an offender upon a breach of any of the provisions of this By-law shall not operate as a bar to a prosecution against the

same offender upon any subsequent breach of the same or any other provision of this By-law. The presiding Magistrate may convict any offender repeatedly for repeated breaches of this By-law, and may at his discretion impose upon each conviction any of the penalties provided for by this By-law.

82. This By-law shall come into force upon, from and after being validated by the Legislature of the Province of Ontario.

NATHAN PHILLIPS,
Mayor.

GEO. A. WEALE,
City Clerk.

COUNCIL CHAMBER,
Toronto, November 7, 1955.
(L.S.)

BILL

An Act respecting the
City of Toronto

1st Reading

February 16th, 1956

2nd Reading

3rd Reading

MR. COWLING

(*Private Bill*)

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the City of Toronto

MR. COWLING

(Reprinted as amended by the Committee on Private Bills)

No. 26

1956

BILL

An Act respecting the City of Toronto

WHEREAS The Corporation of the City of Toronto by Preamble
its petition has prayed for special legislation in respect
of the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the petition:

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The council of the Corporation may in any year increase Authority to increase annual grant to Toronto Convention and Tourist Association to \$25,000
the annual grant that it gives to the Toronto Convention and
Tourist Association, Inc., from \$17,500 to a total amount
not exceeding \$25,000, for the maintenance of the Association,
and may agree to make annual grants of amounts not exceed-
ing \$25,000 per year for periods not exceeding five years,
for the maintenance of the Association.

2. By-law No. 19538, passed by the council of the Corpora- Dry-cleaning by-law confirmed
tion, entitled "A By-law respecting Dry-cleaning, Dry-
dyeing and associated businesses", set forth as the Schedule
hereto, is hereby validated and confirmed, and the said by-
law may be amended from time to time to such extent as may
be approved by the Ontario Municipal Board.

3. The Corporation is authorized to pay to Toronto Payment of \$47,922 to T.T.C. for each year 1954 and 1955 authorized
Transit Commission the sum of \$47,922 for each of the years
1954 and 1955 for providing free transportation during such
years for blind persons and war amputees.

4.—(1) Subsections 4, 5, 6 and 7 of section 6 of *The City* 1936, c. 84, s. 6, subss. 4-7, re-enacted
of Toronto Act, 1936 are repealed and the following substituted
therefor:

(4) The corporation shall have a lien upon the dwelling Lien for loans made
in respect of which an advance as provided in sub-
section 3 is made for the amount of such advance

together with interest thereon at a rate to be fixed from time to time by the council, but which shall not exceed 5 per centum per annum, and the amount of such advance with the interest thereon shall be repayable to the corporation by the owner of such dwelling in equal consecutive annual payments which shall be collected over a period of years to be determined by the inspector, which period shall not exceed ten years but need not be the same in the case of each such advance, in the same manner and at the same time as the municipal real property taxes in respect of the said dwelling.

Certificate
of lien for
registration

- (5) A certificate of the clerk of the municipality setting out the amount advanced or to be advanced to or for the benefit of any owner under the provisions of subsection 3 or setting out the amount expended or to be expended by or on behalf of the corporation under the authority of subsection 6, including the rate of interest thereon, together with a description of the dwelling in respect of which any such amount was advanced or expended, or is to be advanced or expended, sufficient to identify the said dwelling shall be registered in the proper registry office or land titles office against the said dwelling upon proof by affidavit of the signature of the clerk, and upon repayment in full to the corporation of any such amount advanced or expended and the interest thereon, a certificate of the said clerk showing such repayment shall be similarly registered and the dwelling shall thereupon be freed from liability in respect of the amount advanced or expended and the interest thereon and from the lien arising therefrom.

Power of
corporation
to make
repairs

- (6) If any owner of a dwelling is unwilling to make same conform to the standard required by a by-law passed under the authority of this section, the corporation in addition to all other remedies shall have the right to make the said dwelling conform to such standard, including the right to demolish or cause to be demolished any building, structure or erection forming part of such dwelling and to do any work on adjoining property necessitated by such demolition, and for those purposes with its servants and agents from time to time to enter upon the lands of the said owner, and the corporation shall not be liable to compensate such owner or any other person by reason of anything done by or on behalf of the corporation under the provisions of this subsection;

and for any amount expended by or on behalf of the corporation under the authority of this subsection, the corporation shall have a lien for the amount expended together with interest thereon at a rate to be fixed in the manner provided in subsection 4 upon the dwelling in respect of which such amount was expended and the certificate of the clerk of the municipality as to such amount shall be final, and such amount shall be added to the collector's roll of taxes for the current year and shall be collected in the same manner as real property taxes.

- (7) Notwithstanding any other Act, a by-law passed ^{Enforcement} under the authority of this section or any by-law to provide for the safety of buildings shall be enforceable in the same manner as a by-law passed under the authority of *The Municipal Act*, and any such ^{R.S.O. 1950, c. 243} by-laws may impose penalties of not more than \$300, exclusive of costs, upon every person who contravenes any provision of this section or of any by-law passed under the authority of this section, or of any by-law to provide for the safety of buildings.

(2) Subsection 9 of the said section 6 is repealed and the ^{1936, c. 84, s. 6, subs. 9, re-enacted} following substituted therefor:

- (9) Before proceeding under subsection 3 or 6, the ^{Notice to mortgagees and others} corporation shall notify any mortgagee, vendor under agreement for sale or other encumbrancer appearing on the registered title, by registered letter, specifying wherein the said dwelling unit, building or premises are defective, and if the defects are not remedied within one month from such notification, then the provisions of subsections 3 and 6 shall apply.

(3) The said section 6, as amended by section 3 of *The City of Toronto Act, 1941* and section 4 of *The City of Toronto Act, 1955*, is further amended by adding thereto the following ^{1936, c. 84, s. 6, amended} subsection:

- (12) A by-law passed under the authority of this section ^{Progress certificates authorized} may authorize an official named in the by-law to issue a certificate as to what proceedings, if any, are being taken as of the date of the certificate and the amount of money advanced pursuant to the provisions of this section or the provisions of any by-law to provide for the safety of buildings, and may authorize the collection of a fee for the issue of any such certificate.

Conveyance
confirmed

5. The conveyance by The Corporation of the City of Toronto to Lord Simcoe Hotel Limited, dated the 14th day of October, 1955, of Lot No. 6 on the north side of King Street West according to a plan filed in the Registry Office for the Registry Division of Toronto as No. 736-E, and registered on the 14th day of November, 1955, as No. 41721 E.S. in the said Registry Office, is ratified, confirmed and declared to be legal, valid and binding.

Pensions for
employees of
Toronto
Public
Library
Board
R.S.O. 1950,
c. 310

1954, c. 133

1955, c. 117,
s. 3,
re-enacted

O'Keefe
Foundation
or O'Keefe
Centre

Idem

Purposes

Commence-
ment

Idem

Short title

6. In addition to the authority contained in *The Public Libraries Act*, the Toronto Public Library Board, subject to the approval of the Minister of Education, is authorized in establishing a pension plan for its permanent employees, or any class thereof, to include provisions similar to any of the provisions in the by-law providing a pension plan for Toronto Civic Employees, which by-law is set forth as Schedule A to *The City of Toronto Act, 1954*.

7. Section 3 of *The City of Toronto Act, 1955* is repealed and the following substituted therefor:

3.—(1) The Corporation may from time to time acquire land for the purposes of The O'Keefe Foundation or O'Keefe Centre.

(2) Upon payment to the Corporation of any expenses incurred by it in connection with the acquisition of any land under this section or any predecessor of this section and the transfer thereof, the Corporation may convey any land so acquired to O'Keefe Centre.

(3) All land conveyed to O'Keefe Centre under this section shall be used only for the purposes of an auditorium, a cultural, civic or community centre or any purposes within the corporate powers and objects of O'Keefe Centre or for any other purposes as may be approved by the Corporation.

8.—(1) This Act, except section 6, comes into force on the day it receives Royal Assent.

(2) Section 6 shall be deemed to have come into force on the 28th day of June, 1954.

9. This Act may be cited as *The City of Toronto Act, 1956*.

SCHEDULE

BY-LAW No. 19538

A By-law respecting Dry-Cleaning, Dry-Dyeing and associated businesses.

(Passed November 7, 1955.)

The Council of the Corporation of the City of Toronto enacts as follows:

PART I

BY-LAWS REPEALED

1. By-law No. 14108 passed by the Council of the Corporation of the City of Toronto on the 14th day of May, 1934, and all amendments thereto are hereby repealed.

PART II

SECTION 2—DEFINITIONS

2. In this by-law, unless a contrary intention appears,

- (a) "branches" are premises occupied by wholly owned subsidiary branches of dry cleaning plants, as defined herein, which are operated solely for the purpose of receiving from customers, and delivering to customers, either over the counter or by vehicles, all goods to be processed, or processed and/or placed in storage by the dry cleaning plant owning and operating such branches;
- (b) "cleaning" is a process of dry cleaning, or a process of wet cleaning, as defined herein;
- (c) "customers" means persons requesting that a service be performed for them by a licensee and/or a party required to file proof of financial responsibility under the provisions of this By-law;
- (d) "dry cleaning" is a process of cleaning goods by immersion and agitation, or by immersion only, in volatile solvents, (including but not by way of limitation, solvents of the petroleum distillate type, the coal tar distillate type, and the chlorinated hydrocarbon type), and any or all of the standard processes incidental thereto and including wet cleaning, pressing, spotting, finishing, dyeing, repairing and storage;
- (e) "dry cleaning plant" means any premises, building, room or establishment commonly known to the trade as a cleaning plant, equipped to perform the service of dry cleaning, and wet cleaning, pressing, spotting, finishing, dyeing, repairing, and/or storage, all as defined herein, and which receives from customers and delivers to customers all goods to be processed, or processed, and/or placed in storage by the dry cleaning plant, either over the counter, or by vehicles, through branches, press shops, and/or receiving and distributing depots;
- (f) "dry dyeing" is a process of colouring goods by the use of aniline dyes, mordants, or acid, with or without steam;
- (g) "financial responsibility" means the ability of a licensee under this By-law to pay and satisfy any and all judgments obtained by any customer against the licensee in respect to goods received by the said licensee from such customer;
- (h) "fire-resisting construction" shall mean fire-resisting construction as defined by the Building By-law of the City of Toronto as amended;

- (i) "goods" wherever used, shall mean goods in bailee and include any and all articles of clothing, fabrics, furs, hats, textiles, household goods and/or furnishings, delivered to, or in the possession of a licensee under this By-law, for the purpose of dry cleaning and/or wet cleaning, pressing, spotting, finishing, dyeing, repairing and/or storage;
- (j) "pressing and/or finishing" is a process of restoring goods to the original shape, dimensions, or contour thereof, or to those in which the same were received from the customer, or as directed by the customer, and the removal of wrinkles, stresses, bulges, and impressions, imprint marks and shine, from goods by the application of pressure, heat, moisture, water vapour or steam, or all of them, whether applied manually or by any mechanical means;
- (k) "press shops" are premises used for the purposes of receiving from customers, and delivering to customers, either over the counter or by vehicles, all goods to be processed, or processed and/or placed in storage. Press shops may within the premises occupied, do pressing, spotting, repairing and/or finishing goods all as defined herein, but shall not operate the process of cleaning as defined herein, which processes shall be done on behalf of the press shop by a dry cleaning plant as defined herein;
- (l) "receiving and distributing depots" are premises used solely for the purpose of receiving from customers, and delivering to customers, either over the counter or by vehicles, all goods to be processed, or processed, and/or placed in storage;
- (m) "repairing" means and includes the making of minor repairs and restorations, reaffixing, replacing or restoring buttons and other fastening devices, and decorative materials to the goods either before or after completion of one or more of the processes herein defined as required by the customer;
- (n) "spotting and stain removing" is a process of removing spots, or stains, or localized areas of soil, from goods either before or after and with or without dry cleaning or wet cleaning, by brushing, spraying, or other means of manual or mechanical application other than immersion, with water detergents and volatile or inflammable solvents, or chemicals, or any, or all, of them;
- (o) "storage" as applicable to those licensed under this By-law shall be defined as a service for the storage of goods in a complete and properly locked up storage vault or room, and the word "cold" may be prefixed where cold storage facilities are provided. Such storage vault or room shall be of fire-resisting construction throughout, equipped with approved fire-proof burglar-proof locking devices and so equipped to prevent damage to contents from moths and vermin;
- (p) "wet cleaning" is the process of cleaning goods by immersion in water, or by applying manually or by any mechanical device, water, or any detergent and water, or by spraying or brushing the goods with water, or water and any detergent, or water vapour, or steam;
- (q) "vehicles" are vehicles of any kind which are used by a dry-cleaning plant, press shop and/or a receiving and distributing depot for the purpose of receiving from customers, and delivering to customers, all goods to be processed, or processed and/or placed in storage;
- (r) "independent vehicles" are vehicles of any kind which are used for the purpose of receiving from customers, and delivering to customers, all goods to be processed, or processed and/or placed in storage when such vehicles are not owned or operated by and/or bear the same name as a business defined herein as a dry cleaning plant, press shop, and/or a receiving and distributing depot.

SECTION 3—EXCEPTION

3. The provisions of this By-law shall not apply to laundries as defined by By-law No. 4942 passed by the council of the Corporation of the City of Toronto on the 13th day of May, 1907, and amendments thereto.

PART III

SECTION 4—BUSINESS LICENSED

4. The Commissioner of Buildings shall be the Inspector of Dry-Cleaning, whose duty it shall be to see that the provisions of this By-law are carried out.

5. No person shall use any land in the City of Toronto for the purposes of the business of dry-cleaning, dry-dyeing, cleaning and pressing and spotting or stain-removing, including land used for the purpose of receiving goods to be subjected to any such process and for the distribution of goods which have been subjected to any such process, without having first obtained from the Corporation of the City of Toronto a license so to do.

6. No person shall engage in the business of or operate a dry-cleaning plant, branch, press shop, and/or a receiving and distributing depot as hereinbefore defined without having first obtained a license so to do from the Inspector of Dry-Cleaning. The owner or occupant of any building or premises or part thereof, shall not use or permit to be altered or used, any such building or premises or any part thereof, for or in connection with any one or more of the types of business defined herein unless and until the requisite license or licenses has or have been obtained.

7. Application for a license under this By-law shall be made in the form of a Declaration to the Inspector of Dry Cleaning in duplicate upon official forms obtainable for the purpose at the office of the said Inspector but no such application shall be required where a licensee desires renewal of a license if the facts and conditions relating thereto are the same as when the original license was issued. Such forms shall be completed by the applicant or a legally authorized agent for the applicant, and the following information inter alia will be required by the said Inspector:

- (a) the type or types of business the applicant intends to conduct and the location of same;
- (b) the construction of the premises where such business will be carried on;
- (c) the details of installation and operation of any or all machinery or plant and any other matters having a bearing upon the safety of any building, premises, property, goods or equipment or of a person or persons in or about the premises;
- (d) the legal status of the applicant.

A partnership, or a firm of two or more persons, or a corporation desiring to carry on a business requiring a license hereunder shall obtain a license on its behalf in the name of some person, named in the application for such license who will be engaged in the business to be carried on by the partnership, firm or corporation, as a partner or an officer, as the case may be.

8. Every applicant for a license under this By-law shall file with the Inspector of Dry-Cleaning proof of the applicant's financial responsibility in the following amounts in respect of each of the following types of business:

(a) dry-cleaning plant including branches and vehicles operated thereby.....	\$5,000.00
(b) press shop and/or receiving and distributing depot..	1,000.00
(c) independent vehicle.....	5,000.00

- (d) vehicles owned and operated by or on behalf of a dry-cleaning plant, press shop and/or a receiving and distributing depot doing business in the City of Toronto, but not using any land in the City of Toronto \$1,000.00

Proof of financial responsibility may be a bond issued by a surety company licensed under the laws of the Province of Ontario or in any form satisfactory to the Inspector of Dry-Cleaning. Should such proof of financial responsibility filed by a licensee hereunder become void for any cause whatsoever, the license or licenses as the case may be of such licensees may forthwith be deemed cancelled.

9. Where it is proposed to extend a licensed business by the installation of additional machines, plant, dry-cleaning or dry-dyeing equipment or otherwise to any other portion of the building or premises, or to an adjoining building or premises, such extensions shall be approved by the Inspector of Dry-Cleaning before being proceeded with.

Where it is proposed to extend a licensed business to a location other than upon the same or adjoining premises, such extension shall for the purpose of this By-law be considered as the establishing of a new business and a separate and distinct license covering the new premises shall be obtained.

10. In the case of business existing at the time of the passing of this By-law, the Inspector of Dry-Cleaning may allow such variations from structural requirements hereinafter set out as he may approve of, where such variations will not in his opinion unreasonably affect the safety of the public.

11. When the Inspector of Dry-Cleaning is satisfied that all work has been completed in connection with the premises and equipment, and all other requirements of this By-law have been complied with, and further, is satisfied in the interests of safety and health of persons in or about the premises, and of the safety of property, that all reasonable precautions against fire, explosions, injury to health or accident have been taken, and upon payment of the proper fee he shall grant the necessary license.

Every license issued under this By-law shall be made out in duplicate and be signed by the Inspector of Dry-Cleaning who is hereby authorized to issue such license and sign same on behalf of The Corporation of the City of Toronto. One copy shall be delivered to the person licensed, who shall exhibit the same in a conspicuous position upon the licensed premises where it may be viewed by any customer, and the other shall be retained by the Inspector of Dry-Cleaning. An independent vehicle shall be supplied with and required to display a numbered identification plate or tag as evidence of compliance with the provisions of Part III Section 8 herein.

12. The annual fee to be paid for a license to use land for the purpose of operating a dry-cleaning plant, branch, press shop, receiving and distributing depot in the City of Toronto, as defined herein shall be as follows:

For dry-cleaning plants using flammable solvents.	\$100.00
Plus \$10.00 for each branch	
For dry-cleaning plants using non-flammable solvents.	50.00
Plus \$10.00 for each branch	
(A duplicate license will be issued for each branch)	
For press shops or any processes other than dry-cleaning.	25.00
For receiving and distributing depots.	10.00

13. All licenses issued under this By-law unless they are expressly granted for a shorter period, shall be operative for the calendar year current at the time of issuing thereof, and shall expire on the 31st day of December next succeeding the date of the issuing of the same. For a license issued between the 1st day of January and the 30th day of June, inclusive, in any year, the amount to be paid shall be equal to the fee for the full year, and for any license issued subsequently to the 30th day of June in any year, the amount to be paid shall be equal to one-half of the fee for the full year.

Any license issued under the provisions of this By-law shall be non-transferable and is to be considered a personal license.

14. Every building, structure, plant and method of operation used in connection with any business or establishment licensed under this By-law shall be subject to inspection from time to time by the Inspector of Dry-Cleaning or any of his assistants. The licensee shall afford every facility for such inspection and shall not at any reasonable time refuse admission to such officer or any of his assistants.

15. No volatile or flammable liquid in excess of one quart of each such fluid shall be used in any part of building, other than that portion licensed for dry-cleaning purposes.

16. In case of accident from fire or explosion resulting from the operation of any such business or establishment, the licensee shall immediately report such accident to the Inspector of Dry-Cleaning, who shall, after investigating the cause or causes of such accident, immediately record a full and detailed report of same.

17. No person licensed under the provisions of this By-law shall keep his place of business open to the public or allow any customer to be served therein on any day after the hour of six o'clock in the afternoon.

18. (a) The Council of the Corporation of the City of Toronto may revoke any license issued under the provisions of this By-law.

(b) Notice of the revocation of any license may be given by the Council by prepaid registered mail to the address given by the licensee in the application for a license and upon such notice being mailed as aforesaid the license revoked shall cease and terminate and be of no further effect.

(c) Where a license is revoked the licensee shall be entitled to a refund of a part of the license fee proportionate to the unexpired part of the term for which it was granted.

19. No licensee shall conduct the business licensed or advertise or solicit business under a name other than the name which appears on the license for such business. All premises, vehicles and printed matter used for or in connection with a business licensed hereunder shall bear the name which appears on the license for such business.

An independent vehicle shall have the following words displayed on both sides of such vehicle in a clear and legible manner, "Agent for Dry Cleaning", and all printed matter issued or distributed to customers of such independent vehicles shall include the same wording required to be displayed on the vehicle proper.

20. Every applicant for a license under this By-law shall satisfy the Inspector of Dry-Cleaning that the applicant has insured and will continuously keep insured all goods as defined herein from the time such goods are received for or on behalf of the applicant from a customer until such time as the said goods are returned to the customer by or on behalf of the applicant; such insurance shall be underwritten by an insurer licensed under the laws of the Province of Ontario to do business in Ontario, and shall insure all goods as aforesaid against loss and/or damage by fire, smoke, theft, flood and other risks, common to such insurance.

The Inspector of Dry-Cleaning shall have the right to require the applicant to produce a certificate from the insurer showing the maximum amounts for which insurance has been obtained covering such goods and the premium receipt therefor. Should such insurance be cancelled or allowed to lapse, or otherwise become void, the license of such licensee shall be revoked.

In lieu of insurance as aforesaid, the applicant may deposit and keep on deposit with the Inspector of Dry-Cleaning evidence satisfactory to the said Inspector of the financial responsibility of the applicant to satisfy all claims and demands in respect of goods in the custody of the applicant for loss and/or damage by fire, smoke, theft, flood and other risks common to such insurance.

21. A licensee upon receiving any goods from a customer must hand the customer a receipt for such goods showing:

- (a) the name and address of the licensee;
- (b) the license number of the licensee;
- (c) such information as may be applicable in conformity with Part III Section 19 hereof;
- (d) and when requested by the customer, the name and address of the customer and a description of such goods.

PART IV

REQUIREMENTS FOR BUILDINGS WHEREIN FLAMMABLE SOLVENTS ARE USED

22. In addition to complying with the requirements of the Building By-law or any other By-law of the City of Toronto, every building or part thereof actually used for dry-cleaning, dry-dyeing, drying, clarifying or refining purposes shall comply with the following regulations:

23. No portion of any such building shall be used for human habitation and no accommodation therefor shall be provided in any such building.

24. Each such building shall be located a distance of at least one hundred feet from any church, school or other public building, at least ten feet from any other building, and at least ten feet from all street and lot lines, and in such location as to render easy access in case of fire or accident.

25. Each such building shall not exceed one storey in height, which shall be not less than fourteen feet in the clear from floor to ceiling. There shall be no basement or cellar or open spaces underneath the floor, nor shall the floor area exceed twenty-five hundred square feet.

26. All enclosing walls and all internal walls shall be of brick, concrete, tile or other fire-resisting material approved by the Inspector of Dry-Cleaning, the minimum thickness of which shall be thirteen inches, and all mortar used shall be cement mortar.

27. The roof over every room and over every hall or corridor connected therewith, shall be constructed of and supported by fire-resisting construction. In the roof over each room, hall, or corridor there shall be left an opening equal in area to at least ten per cent of the floor area of such room, hall or corridor and this roof opening shall be provided with an approved incombustible automatically opening skylight.

28. Floor shall be constructed of fire-resisting material and laid not lower than the grade adjoining the building and accurately graded to drainage outlets.

29. At least two exits shall be provided from every washing room and one of these exits shall lead directly to the outside air.

30. Every door shall be constructed of fire-resisting material and shall open in an outward direction.

31. Window openings shall be equipped with metal sash and wired glass glazed on the outside. A section of each opening shall be hinged vertically and afford an opening of about three feet by four feet to permit escape from the building. In each such section there shall be provided one sheet of clear glass so located that, when broken, the window may be readily opened from the outside.

32. All shafting necessary for the operation of the machines and apparatus shall enter the dry-cleaning, dry-dyeing, and drying rooms

through the smallest necessary openings in the walls. Such openings shall be at least ten feet above the floor and protected so as to prevent the propagation of flame or explosion through them.

33. Every such building shall be ventilated by means of apertures each not less than sixty square inches in area located in the external walls at the floor level and spaced not over six feet centres. Such apertures shall be covered with a wire screen having at least two meshes to the inch or its equivalent, and same shall be kept clear of all obstructions and the building shall be equipped with fans or other ventilating devices. The ventilating system shall be so arranged as to completely change the air every two minutes while the plant is in operation. Other types of ventilating systems may be provided in lieu of the above if approved in writing by the Inspector of Dry-Cleaning. Fumes from exhaust fans shall be discharged in such places as will not create nuisance or hazard and all exhaust piping and outlets to same shall be constructed to the satisfaction of the Inspector of Dry-Cleaning.

34. All artificial lighting shall be by incandescent electric lights. All electrical wiring and other electrical equipment shall conform to the requirements of Part I of the Canadian Electrical Code for Class I Hazardous Locations. Every installation of such wiring and equipment shall be to the full approval of the Electrical Inspection Department of the Hydro-Electric Power Commission and before operating any equipment in the building the licensee shall submit to the Commissioner of Buildings a certificate from such Department stating that such installation has passed an insulation test and complies with the requirements of the Canadian Electrical Code for Class I Hazardous Locations.

35. Such buildings shall be provided with perforated steam pipes having an internal diameter of not less than two inches, so connected as to equalize the distribution of steam, and so placed that the steam when turned on will quickly fill the entire building. Such steam pipes shall be provided with perforations not less than one-quarter of an inch in diameter equally spaced so that there shall be at least one opening to each twenty-five square feet of floor space. Outside the building there shall be placed in the service line or lines connected with such perforated steam pipes a quick acting lever valve which shall be accessible for operation in case of fire. The steam supply for such pipes shall be available at all times for service while the plant is in operation, and shall be sufficient to completely fill the building in not more than one minute. Other efficient fire extinguishing systems approved in writing by the Chief of the Fire Department may be provided in lieu of those provided for in this paragraph.

PART V

INSTALLATION AND OPERATION EQUIPMENT

36. All water, sludge, waste liquids etcetera, from stills, cleaning rooms, or other rooms where cleaning liquids are used shall pass through an interceptor or trap before entering the drains and such trap or interceptor shall be satisfactory to the Commissioner of Works. The responsibility of maintaining the trap or interceptor in working order rests with the licensee who shall see that no cleaning liquids enter the drain.

A concrete slab with an 8-inch curb all around shall be provided outside the dry-cleaning room in which to store all flammable sludge pending its removal from the plant.

37. Except as hereinafter provided, no gas or gasoline engine, boiler, steam generator, electrical dynamo or motor, heating or pressing device, or other apparatus that may cause flame or sparking, shall be located, maintained or used inside of, or within a distance of fifteen feet of any building used for dry-cleaning or dry-dyeing. It is provided, however, that an electric motor may be placed within such space of fifteen feet provided it is located outside of a masonry or concrete wall, or an explosion-proof electric motor may be located inside any such building provided such motor together with the necessary appurtenances and control apparatus are constructed and maintained in accordance with the requirements of Part I of the Canadian Electrical Code for Class I Hazardous Locations.

Every installation of a motor inside any such building shall be to the full approval of the Electrical Inspection Department of the Hydro-Electric Power Commission of Ontario, and before operating any equipment in the building the licensee shall submit to the Commissioner of Buildings a certificate from such Department stating that such installation has passed an insulation test and complies with the requirements of the Canadian Electrical Code for Class I Hazardous Locations.

The heating of such buildings shall be only by use of steam or hot water systems.

38. All shafting, pulleys, piping and metallic parts of machines shall be properly grounded by at least 10-gauge copper wire connected to a waterpipe or other grounding device. This system of grounding shall be examined and tested by the licensee at least once each week and shall be kept in good repair at all times.

39. All tables, racks, shelves and cupboards used for the hanging and storing of fabrics shall be of incombustible material.

40. One approved chemical fire extinguisher, and three pails of sand shall be provided for each five hundred square feet of floor space.

41. At least two asbestos sheets and one pike pole of approved length and design shall be kept ready for immediate use in a convenient place adjacent to the cleaning room.

42. All flammable liquids or mixtures of flammable and non-flammable liquids shall be stored in steel tanks which shall be located outside of the building and buried underground to such a depth as will secure a covering of earth of at least three feet below the level of the surface of the adjoining ground and shall not in any event be placed, constructed or maintained under a public sidewalk or in a sidewalk area. The location thereof and their contents and hazards shall be plainly marked by a sign approved by the Inspector of Dry-Cleaning.

43. Tanks shall be coated on the outside with a rust preventive.

44. Tanks shall have a total capacity of not more than 9,000 gallons, and single tanks shall have a capacity of not more than 3,000 gallons each.

45. Each tank shall be provided with a vent pipe the internal diameter of which shall not be less than:

Up to 500 gallons.....	1¼"
501 to 2,500 gallons.....	1½"
2,501 to 3,000 gallons.....	2"

extending from the top of the tank to a point not less than two feet above the roof of the building in a location approved by the Inspector of Dry-Cleaning.

46. Each tank shall be provided with a filling pipe not less than two and one-half inches in diameter and with inclination towards the tank to insure proper drainage. The intake end of such pipe shall in no case be located inside of any building and shall be enclosed in an iron box or hood set level with or above the surface of the ground and provided with a brass screw cap firmly attached to the filling pipe by a strong metal chain. When the filling pipe is not in use the screw cap shall be securely screwed on the inlet and the box or hood securely locked.

47. All pipes connected to storage tanks shall enter or be attached to same at the top. Service pipes carrying volatile substances from the storage tanks to the dry-cleaning and dry-dyeing machines or apparatus shall extend from the top of the tank and the controlling cocks or valves in the said service pipes shall be kept closed when not in use. All underground piping shall be galvanized or painted with a rust-proof paint and no underground pipe shall be less than 1¼ inches in diameter.

48. All tanks and piping shall be tested in the presence of an inspector before back-filling. All tanks shall be equipped with ball floats or gauges or be so arranged as to detect overflowing of the fill pipes to the satisfaction of the Inspector of Dry-Cleaning.

49. Deodorizing tumblers or deodorizing apparatus of any type shall be fitted with explosion doors, automatic steam valves and proper ventilating devices.

50. Where a ventilating system consists of flues, such flues shall be kept clear and all flues in connection with deodorizing apparatus shall be kept clear.

51. All distillation and refining of flammable liquids shall be carried on, and all open plate and frame filters shall be used, in a room separate from the dry-cleaning room and such room shall be not less than eighty square feet in area.

52. Continuous clarifiers that have no open flow shall be allowed in the dry-cleaning room if absolutely essential to the efficient operation of the plant otherwise same shall be located in the distillation room. Gauges and sight glasses shall be so located as to be protected from damage.

53. All dry-cleaning, washing, extracting and redistilling shall be carried on in closed machines which are fluid-tight; washers shall have hinged doors and shall be so arranged that in case of an explosion the doors will automatically close. All such machines shall be equipped with doors to be used for cleaning-out purposes only.

54. Where extractors are used in connection with a charge system, the valve system must be designed to prevent over-flowing of extractor or building up of excessive pressure.

55. Scrubbing and brushing may be performed in the dry-cleaning room but only when flammable liquids are contained in a metallic pan or container. All flammable liquids used shall be returned to the settling or storage tanks as soon as the brushing or cleaning operation is completed.

56. The transfer of all liquids shall be through continuous piping and all outlet or drain pipes shall be drained by gravity or pumps to settling or storage tanks. Pumps only shall be used in feeding the supply pipes and such devices shall be located as to insure the return of all liquids to the storage tanks by gravity when the operation is completed. At the close of the day's operations all liquids contained in washers, extractors, stills or other receptacles shall be returned to the storage or settling tanks.

57. Smoking and the carrying of matches upon the premises shall be prohibited and notices to this effect shall be conspicuously posted.

58. Washing machines shall remain closed and liquid containers covered when containing solvent except for the necessary length of time required for loading and unloading.

59. If a flammable liquid is mixed with a non-flammable liquid for dry-cleaning, dry-dyeing, or spotting or stain-removing purposes such mixture or compound shall be considered flammable and be subject to the requirements of this by-law as flammable liquids.

60. Electric irons shall not be used in any building where dry-cleaning or dry-dyeing is done.

PART VI

NON-FLAMMABLE SOLVENTS

61. Notwithstanding anything heretofore contained in this By-law, dry-cleaning machinery in which volatile and non-flammable liquids only are used may be installed subject to the regulations hereinafter set forth.

62. The application for, and the license for any such business or establishment shall clearly state the nature and composition of the liquids to be used, and no other liquids whatsoever shall be used in such machine or machines. The applicant shall provide the Inspector of Dry-Cleaning with the necessary information regarding the chemical constituents of the liquid used.

63. Machines shall be erected or installed only in locations approved by the Inspector of Dry-Cleaning.

In buildings of which any portion is used for the purpose of human habitation, machines may be installed on the first floor only of such buildings provided there is no accommodation for human habitation on the first floor or in the basement.

There shall be no access between any room where a machine or machines are installed and operated, and any other portion of a building used for human habitation.

64. Where the whole unit is totally enclosed and so arranged that the materials cleaned remain continuously in the machine during the process of washing, extracting and dry tumbling respectively, it need not be enclosed in a special room provided mechanical ventilation is provided in the room containing the unit; such mechanical ventilation system to be so connected that same operates automatically with the operation of the dry-cleaning unit.

65. When an open or semi-open type of machine or machines are installed there shall be provided fresh air inlets and exhaust fans in locations and in manner subject to the approval of the Inspector of Dry-Cleaning. Where closed type machines are installed there shall be provided an exhaust fan on each machine and also exhaust fans sufficient to properly ventilate the room, subject to the approval of the Inspector of Dry-Cleaning.

Whether open or closed types of machines are used, sufficient ventilation shall be provided to completely change the air in dry-cleaning, drying and deodorizing rooms at least every two minutes and all doors of dry-cleaning room shall be self-closing.

66. Fumes from exhaust fans shall be discharged in such places as will not create nuisance or hazard and all exhaust piping and outlets to same shall be subject to the approval of the Inspector of Dry-Cleaning.

67. Ventilation systems shall be kept in operation during the whole period machines are in use and also while dry-cleaning articles are being dried or deodorized.

68. Floors of rooms where a machine or machines are located shall be formed of impervious material in order to prevent absorption of solvents and to prevent the passage of fumes. All such floors shall be constructed to the satisfaction of the Inspector of Dry-Cleaning.

69. All walls and partitions enclosing rooms which contain a machine or machines shall be constructed gas-tight.

70. All openings leading into rooms containing a machine or machines shall have tight-fitting doors and proper automatic door closers.

71. Pipes passing through floors shall pass through long sleeves made gas-tight.

72. Liquids shall be stored in such a manner as is approved by the Inspector of Dry-Cleaning and shall be transferred from machine to tanks or vice versa through continuous rigid metal piping. Liquids shall be stored and used in such a manner as to minimize evaporation and all containers shall be air-tight.

PART VII

REQUIREMENTS FOR SPOTTING AND STAIN-REMOVING ESTABLISHMENTS

73. Spotting and stain-removing as defined in Part II Section 2 of this By-law shall be carried on only in accordance with the following regulations:

74. Volatile or flammable liquids shall not be applied or used when contained in open receptacles but only when used or applied from an automatically closing safety container of not more than one quart capacity.

75. All spotting and stain-removing shall be carried on clear of the main exit of the premises subject to the approval of the Inspector of Dry-Cleaning.

Two separate exits shall be provided in each room where stain-removing operations are carried on.

76. Electric irons used in connection therewith shall be provided with incombustible stands and all connections for such irons shall be provided with pilot lights.

77. Stain-removing by the use of flammable liquids shall in no case be done in a room or enclosure where there is an open flame, light or spark.

78. If the liquid or compound used for stain-removing is toxic, proper ventilation shall be provided and the necessary precautions taken as required by Part VI of this By-law.

PART VIII

DAINGEROUS CONDITIONS

79. Whenever, in the opinion of the Inspector of Dry-Cleaning, any dry-cleaning, dry-dyeing or spotting and stain-removing plant or premises or any parts thereof, are in a dangerous condition or causing a condition that may become dangerous, the licensee thereof shall be notified wherein such danger exists and he shall immediately proceed to remedy the cause or defect.

80. Where the person licensed fails or neglects after notice to remedy the same and in the opinion of the Inspector of Dry-Cleaning the condition is such as to endanger life or property or cause serious accident and that such danger may be averted by taking precautionary measures, he shall have power to take such measures as in his opinion may be necessary at the expense of the person licensed, and all costs and expenses incurred in connection therewith shall be borne by the person licensed and may be recovered by action at the instance of the Corporation or in like manner as municipal taxes.

PART IX

PENALTIES FOR NON-COMPLIANCE

81. Any person convicted of a breach of any of the provisions of this By-law shall forfeit and pay, at the discretion of the convicting Magistrate, a penalty not exceeding (exclusive of costs) the sum of Three Hundred Dollars for each offence.

Upon conviction for a breach of any of the provisions of this By-law the convicting Magistrate, besides imposing penalty under the preceding paragraph of this section, may order the offender to carry out the requirements of this By-law within a time to be limited by the order. In default of the offender carrying out such order the said Magistrate may order the Inspector of Dry-Cleaning or any other person, to forthwith enter upon the premises where the said breach has taken place and demolish or remove at the expense of the offender the said construction or the part thereof erected contrary to the provisions of this By-law. The municipality may recover the expense incurred in so doing by action or the same may be recovered in like manner as municipal taxes.

The conviction of an offender upon a breach of any of the provisions of this By-law shall not operate as a bar to a prosecution against the

same offender upon any subsequent breach of the same or any other provision of this By-law. The presiding Magistrate may convict any offender repeatedly for repeated breaches of this By-law, and may at his discretion impose upon each conviction any of the penalties provided for by this By-law.

82. This By-law shall come into force upon, from and after being validated by the Legislature of the Province of Ontario.

NATHAN PHILLIPS,
Mayor.

GEO. A. WEALE,
City Clerk.

COUNCIL CHAMBER,
Toronto, November 7, 1955.
(L.S.)

BILL

An Act respecting the
City of Toronto

1st Reading

February 16th, 1956

2nd Reading

3rd Reading

MR. COWLING

(Reprinted as amended by the
Committee on Private Bills)

No. 26

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the City of Toronto

MR. COWLING

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 26

1956

BILL

An Act respecting the City of Toronto

WHEREAS The Corporation of the City of Toronto by Preamble
its petition has prayed for special legislation in respect
of the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the petition:

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The council of the Corporation may in any year increase Authority to increase annual grant to Toronto Convention and Tourist Association to \$25,000
the annual grant that it gives to the Toronto Convention and
Tourist Association, Inc., from \$17,500 to a total amount
not exceeding \$25,000, for the maintenance of the Association,
and may agree to make annual grants of amounts not exceed-
ing \$25,000 per year for periods not exceeding five years,
for the maintenance of the Association.

2. By-law No. 19538, passed by the council of the Corpora- Dry-cleaning by-law confirmed
tion, entitled "A By-law respecting Dry-cleaning, Dry-
dyeing and associated businesses", set forth as the Schedule
hereto, is hereby validated and confirmed, and the said by-
law may be amended from time to time to such extent as may
be approved by the Ontario Municipal Board.

3. The Corporation is authorized to pay to Toronto Payment of \$47,922 to T.T.C. for each year 1954 and 1955 authorized
Transit Commission the sum of \$47,922 for each of the years
1954 and 1955 for providing free transportation during such
years for blind persons and war amputees.

4.—(1) Subsections 4, 5, 6 and 7 of section 6 of *The City* 1936, c. 84, s. 6, subss. 4-7, re-enacted
of Toronto Act, 1936 are repealed and the following substituted
therefor:

(4) The corporation shall have a lien upon the dwelling Lien for loans made
in respect of which an advance as provided in sub-
section 3 is made for the amount of such advance

together with interest thereon at a rate to be fixed from time to time by the council, but which shall not exceed 5 per centum per annum, and the amount of such advance with the interest thereon shall be repayable to the corporation by the owner of such dwelling in equal consecutive annual payments which shall be collected over a period of years to be determined by the inspector, which period shall not exceed ten years but need not be the same in the case of each such advance, in the same manner and at the same time as the municipal real property taxes in respect of the said dwelling.

Certificate
of lien for
registration

- (5) A certificate of the clerk of the municipality setting out the amount advanced or to be advanced to or for the benefit of any owner under the provisions of subsection 3 or setting out the amount expended or to be expended by or on behalf of the corporation under the authority of subsection 6, including the rate of interest thereon, together with a description of the dwelling in respect of which any such amount was advanced or expended, or is to be advanced or expended, sufficient to identify the said dwelling shall be registered in the proper registry office or land titles office against the said dwelling upon proof by affidavit of the signature of the clerk, and upon repayment in full to the corporation of any such amount advanced or expended and the interest thereon, a certificate of the said clerk showing such repayment shall be similarly registered and the dwelling shall thereupon be freed from liability in respect of the amount advanced or expended and the interest thereon and from the lien arising therefrom.

Power of
corporation
to make
repairs

- (6) If any owner of a dwelling is unwilling to make same conform to the standard required by a by-law passed under the authority of this section, the corporation in addition to all other remedies shall have the right to make the said dwelling conform to such standard, including the right to demolish or cause to be demolished any building, structure or erection forming part of such dwelling and to do any work on adjoining property necessitated by such demolition, and for those purposes with its servants and agents from time to time to enter upon the lands of the said owner, and the corporation shall not be liable to compensate such owner or any other person by reason of anything done by or on behalf of the corporation under the provisions of this subsection;

and for any amount expended by or on behalf of the corporation under the authority of this subsection, the corporation shall have a lien for the amount expended together with interest thereon at a rate to be fixed in the manner provided in subsection 4 upon the dwelling in respect of which such amount was expended and the certificate of the clerk of the municipality as to such amount shall be final, and such amount shall be added to the collector's roll of taxes for the current year and shall be collected in the same manner as real property taxes.

- (7) Notwithstanding any other Act, a by-law passed ^{Enforcement} under the authority of this section or any by-law to provide for the safety of buildings shall be enforceable in the same manner as a by-law passed under the authority of *The Municipal Act*, and any such ^{R.S.O. 1950, c. 243} by-laws may impose penalties of not more than \$300, exclusive of costs, upon every person who contravenes any provision of this section or of any by-law passed under the authority of this section, or of any by-law to provide for the safety of buildings.

(2) Subsection 9 of the said section 6 is repealed and the ^{1936, c. 84, s. 6, subs. 9, re-enacted} following substituted therefor:

- (9) Before proceeding under subsection 3 or 6, the corporation shall notify any mortgagee, vendor under ^{Notice to mortgagees and others} agreement for sale or other encumbrancer appearing on the registered title, by registered letter, specifying wherein the said dwelling unit, building or premises are defective, and if the defects are not remedied within one month from such notification, then the provisions of subsections 3 and 6 shall apply.

(3) The said section 6, as amended by section 3 of *The City of Toronto Act, 1941* and section 4 of *The City of Toronto Act, 1955*, is further amended by adding thereto the following ^{1936, c. 84, s. 6, amended} subsection:

- (12) A by-law passed under the authority of this section may authorize an official named in the by-law to issue ^{Progress certificates authorized} a certificate as to what proceedings, if any, are being taken as of the date of the certificate and the amount of money advanced pursuant to the provisions of this section or the provisions of any by-law to provide for the safety of buildings, and may authorize the collection of a fee for the issue of any such certificate.

Conveyance
confirmed

5. The conveyance by The Corporation of the City of Toronto to Lord Simcoe Hotel Limited, dated the 14th day of October, 1955, of Lot No. 6 on the north side of King Street West according to a plan filed in the Registry Office for the Registry Division of Toronto as No. 736-E, and registered on the 14th day of November, 1955, as No. 41721 E.S. in the said Registry Office, is ratified, confirmed and declared to be legal, valid and binding.

Pensions for
employees of
Toronto
Public
Library
Board
R.S.O. 1950,
c. 310

1954, c. 133

6. In addition to the authority contained in *The Public Libraries Act*, the Toronto Public Library Board, subject to the approval of the Minister of Education, is authorized in establishing a pension plan for its permanent employees, or any class thereof, to include provisions similar to any of the provisions in the by-law providing a pension plan for Toronto Civic Employees, which by-law is set forth as Schedule A to *The City of Toronto Act, 1954*.

1949, c. 142,
s. 9, subs. 1,
amended

7.—(1) Subsection 1 of section 9 of *The City of Toronto Act, 1949* is amended by striking out "or with the approval of the Minister of Municipal Affairs" in the second and third lines, so that the subsection shall read as follows:

Provision
for
increasing
partial
exemption
from
taxation of
dwelling
houses

(1) The council of the Corporation may, with the assent of the electors qualified to vote on money by-laws, pass a by-law increasing the partial exemption from taxation of dwelling houses in the City of Toronto, by providing that taxes and rates, except for school purposes, on dwelling houses assessed for not more than \$5,600 shall be levied and imposed on such percentage of the assessed value according to the classification of dwelling houses as the by-law may provide.

1949, c. 142,
s. 9, subs. 2,
cl. d,
amended

(2) Clause *d* of subsection 2 of the said section 9 is amended by striking out "or with the approval of the Minister of Municipal Affairs" in the third and fourth lines, so that the clause shall read as follows:

Authority
to repeal or
amend
by-law
passed under
this section

(d) may be repealed or amended from time to time with the assent of the electors qualified to vote on money by-laws.

1955, c. 117,
s. 3,
re-enacted

8. Section 3 of *The City of Toronto Act, 1955* is repealed and the following substituted therefor:

O'Keefe
Foundation
or O'Keefe
Centre

3.—(1) The Corporation may from time to time acquire land for the purposes of The O'Keefe Foundation or O'Keefe Centre.

(2) Upon payment to the Corporation of any expenses ^{Idem} incurred by it in connection with the acquisition of any land under this section or any predecessor of this section and the transfer thereof, the Corporation may convey any land so acquired to O'Keefe Centre.

(3) All land conveyed to O'Keefe Centre under this ^{Purposes} section shall be used only for the purposes of an auditorium, a cultural, civic or community centre or any purposes within the corporate powers and objects of O'Keefe Centre or for any other purposes as may be approved by the Corporation.

9.—(1) This Act, except section 6, comes into force on the ^{Commence-} day it receives Royal Assent.
^{ment}

(2) Section 6 shall be deemed to have come into force on ^{Idem} the 28th day of June, 1954.

10. This Act may be cited as *The City of Toronto Act, 1956*. ^{Short title}

SCHEDULE

BY-LAW No. 19538

A By-law respecting Dry-Cleaning, Dry-Dyeing and associated businesses.

(Passed November 7, 1955.)

The Council of the Corporation of the City of Toronto enacts as follows:

PART I

BY-LAWS REPEALED

1. By-law No. 14108 passed by the Council of the Corporation of the City of Toronto on the 14th day of May, 1934, and all amendments thereto are hereby repealed.

PART II

SECTION 2—DEFINITIONS

2. In this by-law, unless a contrary intention appears,

- (a) "branches" are premises occupied by wholly owned subsidiary branches of dry cleaning plants, as defined herein, which are operated solely for the purpose of receiving from customers, and delivering to customers, either over the counter or by vehicles, all goods to be processed, or processed and/or placed in storage by the dry cleaning plant owning and operating such branches;
- (b) "cleaning" is a process of dry cleaning, or a process of wet cleaning, as defined herein;
- (c) "customers" means persons requesting that a service be performed for them by a licensee and/or a party required to file proof of financial responsibility under the provisions of this By-law;
- (d) "dry cleaning" is a process of cleaning goods by immersion and agitation, or by immersion only, in volatile solvents, (including but not by way of limitation, solvents of the petroleum distillate type, the coal tar distillate type, and the chlorinated hydrocarbon type), and any or all of the standard processes incidental thereto and including wet cleaning, pressing, spotting, finishing, dyeing, repairing and storage;
- (e) "dry cleaning plant" means any premises, building, room or establishment commonly known to the trade as a cleaning plant, equipped to perform the service of dry cleaning, and wet cleaning, pressing, spotting, finishing, dyeing, repairing, and/or storage, all as defined herein, and which receives from customers and delivers to customers all goods to be processed, or processed, and/or placed in storage by the dry cleaning plant, either over the counter, or by vehicles, through branches, press shops, and/or receiving and distributing depots;
- (f) "dry dyeing" is a process of colouring goods by the use of aniline dyes, mordants, or acid, with or without steam;
- (g) "financial responsibility" means the ability of a licensee under this By-law to pay and satisfy any and all judgments obtained by any customer against the licensee in respect to goods received by the said licensee from such customer;
- (h) "fire-resisting construction" shall mean fire-resisting construction as defined by the Building By-law of the City of Toronto as amended;

- (i) "goods" wherever used, shall mean goods in bailee and include any and all articles of clothing, fabrics, furs, hats, textiles, household goods and/or furnishings, delivered to, or in the possession of a licensee under this By-law, for the purpose of dry cleaning and/or wet cleaning, pressing, spotting, finishing, dyeing, repairing and/or storage;
- (j) "pressing and/or finishing" is a process of restoring goods to the original shape, dimensions, or contour thereof, or to those in which the same were received from the customer, or as directed by the customer, and the removal of wrinkles, stresses, bulges, and impressions, imprint marks and shine, from goods by the application of pressure, heat, moisture, water vapour or steam, or all of them, whether applied manually or by any mechanical means;
- (k) "press shops" are premises used for the purposes of receiving from customers, and delivering to customers, either over the counter or by vehicles, all goods to be processed, or processed and/or placed in storage. Press shops may within the premises occupied, do pressing, spotting, repairing and/or finishing goods all as defined herein, but shall not operate the process of cleaning as defined herein, which processes shall be done on behalf of the press shop by a dry cleaning plant as defined herein;
- (l) "receiving and distributing depots" are premises used solely for the purpose of receiving from customers, and delivering to customers, either over the counter or by vehicles, all goods to be processed, or processed, and/or placed in storage;
- (m) "repairing" means and includes the making of minor repairs and restorations, reaffixing, replacing or restoring buttons and other fastening devices, and decorative materials to the goods either before or after completion of one or more of the processes herein defined as required by the customer;
- (n) "spotting and stain removing" is a process of removing spots, or stains, or localized areas of soil, from goods either before or after and with or without dry cleaning or wet cleaning, by brushing, spraying, or other means of manual or mechanical application other than immersion, with water detergents and volatile or inflammable solvents, or chemicals, or any, or all, of them;
- (o) "storage" as applicable to those licensed under this By-law shall be defined as a service for the storage of goods in a complete and properly locked up storage vault or room, and the word "cold" may be prefixed where cold storage facilities are provided. Such storage vault or room shall be of fire-resisting construction throughout, equipped with approved fire-proof burglar-proof locking devices and so equipped to prevent damage to contents from moths and vermin;
- (p) "wet cleaning" is the process of cleaning goods by immersion in water, or by applying manually or by any mechanical device, water, or any detergent and water, or by spraying or brushing the goods with water, or water and any detergent, or water vapour, or steam;
- (q) "vehicles" are vehicles of any kind which are used by a dry-cleaning plant, press shop and/or a receiving and distributing depot for the purpose of receiving from customers, and delivering to customers, all goods to be processed, or processed and/or placed in storage;
- (r) "independent vehicles" are vehicles of any kind which are used for the purpose of receiving from customers, and delivering to customers, all goods to be processed, or processed and/or placed in storage when such vehicles are not owned or operated by and/or bear the same name as a business defined herein as a dry cleaning plant, press shop, and/or a receiving and distributing depot.

SECTION 3—EXCEPTION

3. The provisions of this By-law shall not apply to laundries as defined by By-law No. 4942 passed by the council of the Corporation of the City of Toronto on the 13th day of May, 1907, and amendments thereto.

PART III

SECTION 4—BUSINESS LICENSED

4. The Commissioner of Buildings shall be the Inspector of Dry-Cleaning, whose duty it shall be to see that the provisions of this By-law are carried out.

5. No person shall use any land in the City of Toronto for the purposes of the business of dry-cleaning, dry-dyeing, cleaning and pressing and spotting or stain-removing, including land used for the purpose of receiving goods to be subjected to any such process and for the distribution of goods which have been subjected to any such process, without having first obtained from the Corporation of the City of Toronto a license so to do.

6. No person shall engage in the business of or operate a dry-cleaning plant, branch, press shop, and/or a receiving and distributing depot as hereinbefore defined without having first obtained a license so to do from the Inspector of Dry-Cleaning. The owner or occupant of any building or premises or part thereof, shall not use or permit to be altered or used, any such building or premises or any part thereof, for or in connection with any one or more of the types of business defined herein unless and until the requisite license or licenses has or have been obtained.

7. Application for a license under this By-law shall be made in the form of a Declaration to the Inspector of Dry Cleaning in duplicate upon official forms obtainable for the purpose at the office of the said Inspector but no such application shall be required where a licensee desires renewal of a license if the facts and conditions relating thereto are the same as when the original license was issued. Such forms shall be completed by the applicant or a legally authorized agent for the applicant, and the following information inter alia will be required by the said Inspector:

- (a) the type or types of business the applicant intends to conduct and the location of same;
- (b) the construction of the premises where such business will be carried on;
- (c) the details of installation and operation of any or all machinery or plant and any other matters having a bearing upon the safety of any building, premises, property, goods or equipment or of a person or persons in or about the premises;
- (d) the legal status of the applicant.

A partnership, or a firm of two or more persons, or a corporation desiring to carry on a business requiring a license hereunder shall obtain a license on its behalf in the name of some person, named in the application for such license who will be engaged in the business to be carried on by the partnership, firm or corporation, as a partner or an officer, as the case may be.

8. Every applicant for a license under this By-law shall file with the Inspector of Dry-Cleaning proof of the applicant's financial responsibility in the following amounts in respect of each of the following types of business:

- (a) dry-cleaning plant including branches and vehicles operated thereby..... \$5,000.00
- (b) press shop and/or receiving and distributing depot.. 1,000.00
- (c) independent vehicle..... 5,000.00

- (d) vehicles owned and operated by or on behalf of a dry-cleaning plant, press shop and/or a receiving and distributing depot doing business in the City of Toronto, but not using any land in the City of Toronto \$1,000.00

Proof of financial responsibility may be a bond issued by a surety company licensed under the laws of the Province of Ontario or in any form satisfactory to the Inspector of Dry-Cleaning. Should such proof of financial responsibility filed by a licensee hereunder become void for any cause whatsoever, the license or licenses as the case may be of such licensees may forthwith be deemed cancelled.

9. Where it is proposed to extend a licensed business by the installation of additional machines, plant, dry-cleaning or dry-dyeing equipment or otherwise to any other portion of the building or premises, or to an adjoining building or premises, such extensions shall be approved by the Inspector of Dry-Cleaning before being proceeded with.

Where it is proposed to extend a licensed business to a location other than upon the same or adjoining premises, such extension shall for the purpose of this By-law be considered as the establishing of a new business and a separate and distinct license covering the new premises shall be obtained.

10. In the case of business existing at the time of the passing of this By-law, the Inspector of Dry-Cleaning may allow such variations from structural requirements hereinafter set out as he may approve of, where such variations will not in his opinion unreasonably affect the safety of the public.

11. When the Inspector of Dry-Cleaning is satisfied that all work has been completed in connection with the premises and equipment, and all other requirements of this By-law have been complied with, and further, is satisfied in the interests of safety and health of persons in or about the premises, and of the safety of property, that all reasonable precautions against fire, explosions, injury to health or accident have been taken, and upon payment of the proper fee he shall grant the necessary license.

Every license issued under this By-law shall be made out in duplicate and be signed by the Inspector of Dry-Cleaning who is hereby authorized to issue such license and sign same on behalf of The Corporation of the City of Toronto. One copy shall be delivered to the person licensed, who shall exhibit the same in a conspicuous position upon the licensed premises where it may be viewed by any customer, and the other shall be retained by the Inspector of Dry-Cleaning. An independent vehicle shall be supplied with and required to display a numbered identification plate or tag as evidence of compliance with the provisions of Part III Section 8 herein.

12. The annual fee to be paid for a license to use land for the purpose of operating a dry-cleaning plant, branch, press shop, receiving and distributing depot in the City of Toronto, as defined herein shall be as follows:

For dry-cleaning plants using flammable solvents.	\$100.00
Plus \$10.00 for each branch	
For dry-cleaning plants using non-flammable solvents.	50.00
Plus \$10.00 for each branch	
(A duplicate license will be issued for each branch)	
For press shops or any processes other than dry-cleaning.	25.00
For receiving and distributing depots.	10.00

13. All licenses issued under this By-law unless they are expressly granted for a shorter period, shall be operative for the calendar year current at the time of issuing thereof, and shall expire on the 31st day of December next succeeding the date of the issuing of the same. For a license issued between the 1st day of January and the 30th day of June, inclusive, in any year, the amount to be paid shall be equal to the fee for the full year, and for any license issued subsequently to the 30th day of June in any year, the amount to be paid shall be equal to one-half of the fee for the full year.

Any license issued under the provisions of this By-law shall be non-transferable and is to be considered a personal license.

14. Every building, structure, plant and method of operation used in connection with any business or establishment licensed under this By-law shall be subject to inspection from time to time by the Inspector of Dry-Cleaning or any of his assistants. The licensee shall afford every facility for such inspection and shall not at any reasonable time refuse admission to such officer or any of his assistants.

15. No volatile or flammable liquid in excess of one quart of each such fluid shall be used in any part of building, other than that portion licensed for dry-cleaning purposes.

16. In case of accident from fire or explosion resulting from the operation of any such business or establishment, the licensee shall immediately report such accident to the Inspector of Dry-Cleaning, who shall, after investigating the cause or causes of such accident, immediately record a full and detailed report of same.

17. No person licensed under the provisions of this By-law shall keep his place of business open to the public or allow any customer to be served therein on any day after the hour of six o'clock in the afternoon.

18. (a) The Council of the Corporation of the City of Toronto may revoke any license issued under the provisions of this By-law.

(b) Notice of the revocation of any license may be given by the Council by prepaid registered mail to the address given by the licensee in the application for a license and upon such notice being mailed as aforesaid the license revoked shall cease and terminate and be of no further effect.

(c) Where a license is revoked the licensee shall be entitled to a refund of a part of the license fee proportionate to the unexpired part of the term for which it was granted.

19. No licensee shall conduct the business licensed or advertise or solicit business under a name other than the name which appears on the license for such business. All premises, vehicles and printed matter used for or in connection with a business licensed hereunder shall bear the name which appears on the license for such business.

An independent vehicle shall have the following words displayed on both sides of such vehicle in a clear and legible manner, "Agent for Dry Cleaning", and all printed matter issued or distributed to customers of such independent vehicles shall include the same wording required to be displayed on the vehicle proper.

20. Every applicant for a license under this By-law shall satisfy the Inspector of Dry-Cleaning that the applicant has insured and will continuously keep insured all goods as defined herein from the time such goods are received for or on behalf of the applicant from a customer until such time as the said goods are returned to the customer by or on behalf of the applicant; such insurance shall be underwritten by an insurer licensed under the laws of the Province of Ontario to do business in Ontario, and shall insure all goods as aforesaid against loss and/or damage by fire, smoke, theft, flood and other risks, common to such insurance.

The Inspector of Dry-Cleaning shall have the right to require the applicant to produce a certificate from the insurer showing the maximum amounts for which insurance has been obtained covering such goods and the premium receipt therefor. Should such insurance be cancelled or allowed to lapse, or otherwise become void, the license of such licensee shall be revoked.

In lieu of insurance as aforesaid, the applicant may deposit and keep on deposit with the Inspector of Dry-Cleaning evidence satisfactory to the said Inspector of the financial responsibility of the applicant to satisfy all claims and demands in respect of goods in the custody of the applicant for loss and/or damage by fire, smoke, theft, flood and other risks common to such insurance.

21. A licensee upon receiving any goods from a customer must hand the customer a receipt for such goods showing:

- (a) the name and address of the licensee;
- (b) the license number of the licensee;
- (c) such information as may be applicable in conformity with Part III Section 19 hereof;
- (d) and when requested by the customer, the name and address of the customer and a description of such goods.

PART IV

REQUIREMENTS FOR BUILDINGS WHEREIN FLAMMABLE SOLVENTS ARE USED

22. In addition to complying with the requirements of the Building By-law or any other By-law of the City of Toronto, every building or part thereof actually used for dry-cleaning, dry-dyeing, drying, clarifying or refining purposes shall comply with the following regulations:

23. No portion of any such building shall be used for human habitation and no accommodation therefor shall be provided in any such building.

24. Each such building shall be located a distance of at least one hundred feet from any church, school or other public building, at least ten feet from any other building, and at least ten feet from all street and lot lines, and in such location as to render easy access in case of fire or accident.

25. Each such building shall not exceed one storey in height, which shall be not less than fourteen feet in the clear from floor to ceiling. There shall be no basement or cellar or open spaces underneath the floor, nor shall the floor area exceed twenty-five hundred square feet.

26. All enclosing walls and all internal walls shall be of brick, concrete, tile or other fire-resisting material approved by the Inspector of Dry-Cleaning, the minimum thickness of which shall be thirteen inches, and all mortar used shall be cement mortar.

27. The roof over every room and over every hall or corridor connected therewith, shall be constructed of and supported by fire-resisting construction. In the roof over each room, hall, or corridor there shall be left an opening equal in area to at least ten per cent of the floor area of such room, hall or corridor and this roof opening shall be provided with an approved incombustible automatically opening skylight.

28. Floor shall be constructed of fire-resisting material and laid not lower than the grade adjoining the building and accurately graded to drainage outlets.

29. At least two exits shall be provided from every washing room and one of these exits shall lead directly to the outside air.

30. Every door shall be constructed of fire-resisting material and shall open in an outward direction.

31. Window openings shall be equipped with metal sash and wired glass glazed on the outside. A section of each opening shall be hinged vertically and afford an opening of about three feet by four feet to permit escape from the building. In each such section there shall be provided one sheet of clear glass so located that, when broken, the window may be readily opened from the outside.

32. All shafting necessary for the operation of the machines and apparatus shall enter the dry-cleaning, dry-dyeing, and drying rooms

through the smallest necessary openings in the walls. Such openings shall be at least ten feet above the floor and protected so as to prevent the propagation of flame or explosion through them.

33. Every such building shall be ventilated by means of apertures each not less than sixty square inches in area located in the external walls at the floor level and spaced not over six feet centres. Such apertures shall be covered with a wire screen having at least two meshes to the inch or its equivalent, and same shall be kept clear of all obstructions and the building shall be equipped with fans or other ventilating devices. The ventilating system shall be so arranged as to completely change the air every two minutes while the plant is in operation. Other types of ventilating systems may be provided in lieu of the above if approved in writing by the Inspector of Dry-Cleaning. Fumes from exhaust fans shall be discharged in such places as will not create nuisance or hazard and all exhaust piping and outlets to same shall be constructed to the satisfaction of the Inspector of Dry-Cleaning.

34. All artificial lighting shall be by incandescent electric lights. All electrical wiring and other electrical equipment shall conform to the requirements of Part I of the Canadian Electrical Code for Class I Hazardous Locations. Every installation of such wiring and equipment shall be to the full approval of the Electrical Inspection Department of the Hydro-Electric Power Commission and before operating any equipment in the building the licensee shall submit to the Commissioner of Buildings a certificate from such Department stating that such installation has passed an insulation test and complies with the requirements of the Canadian Electrical Code for Class I Hazardous Locations.

35. Such buildings shall be provided with perforated steam pipes having an internal diameter of not less than two inches, so connected as to equalize the distribution of steam, and so placed that the steam when turned on will quickly fill the entire building. Such steam pipes shall be provided with perforations not less than one-quarter of an inch in diameter equally spaced so that there shall be at least one opening to each twenty-five square feet of floor space. Outside the building there shall be placed in the service line or lines connected with such perforated steam pipes a quick acting lever valve which shall be accessible for operation in case of fire. The steam supply for such pipes shall be available at all times for service while the plant is in operation, and shall be sufficient to completely fill the building in not more than one minute. Other efficient fire extinguishing systems approved in writing by the Chief of the Fire Department may be provided in lieu of those provided for in this paragraph.

PART V

INSTALLATION AND OPERATION EQUIPMENT

36. All water, sludge, waste liquids etcetera, from stills, cleaning rooms, or other rooms where cleaning liquids are used shall pass through an interceptor or trap before entering the drains and such trap or interceptor shall be satisfactory to the Commissioner of Works. The responsibility of maintaining the trap or interceptor in working order rests with the licensee who shall see that no cleaning liquids enter the drain.

A concrete slab with an 8-inch curb all around shall be provided outside the dry-cleaning room in which to store all flammable sludge pending its removal from the plant.

37. Except as hereinafter provided, no gas or gasoline engine, boiler, steam generator, electrical dynamo or motor, heating or pressing device, or other apparatus that may cause flame or sparking, shall be located, maintained or used inside of, or within a distance of fifteen feet of any building used for dry-cleaning or dry-dyeing. It is provided, however, that an electric motor may be placed within such space of fifteen feet provided it is located outside of a masonry or concrete wall, or an explosion-proof electric motor may be located inside any such building provided such motor together with the necessary appurtenances and control apparatus are constructed and maintained in accordance with the requirements of Part I of the Canadian Electrical Code for Class I Hazardous Locations.

Every installation of a motor inside any such building shall be to the full approval of the Electrical Inspection Department of the Hydro-Electric Power Commission of Ontario, and before operating any equipment in the building the licensee shall submit to the Commissioner of Buildings a certificate from such Department stating that such installation has passed an insulation test and complies with the requirements of the Canadian Electrical Code for Class I Hazardous Locations.

The heating of such buildings shall be only by use of steam or hot water systems.

38. All shafting, pulleys, piping and metallic parts of machines shall be properly grounded by at least 10-gauge copper wire connected to a waterpipe or other grounding device. This system of grounding shall be examined and tested by the licensee at least once each week and shall be kept in good repair at all times.

39. All tables, racks, shelves and cupboards used for the hanging and storing of fabrics shall be of incombustible material.

40. One approved chemical fire extinguisher, and three pails of sand shall be provided for each five hundred square feet of floor space.

41. At least two asbestos sheets and one pike pole of approved length and design shall be kept ready for immediate use in a convenient place adjacent to the cleaning room.

42. All flammable liquids or mixtures of flammable and non-flammable liquids shall be stored in steel tanks which shall be located outside of the building and buried underground to such a depth as will secure a covering of earth of at least three feet below the level of the surface of the adjoining ground and shall not in any event be placed, constructed or maintained under a public sidewalk or in a sidewalk area. The location thereof and their contents and hazards shall be plainly marked by a sign approved by the Inspector of Dry-Cleaning.

43. Tanks shall be coated on the outside with a rust preventive.

44. Tanks shall have a total capacity of not more than 9,000 gallons, and single tanks shall have a capacity of not more than 3,000 gallons each.

45. Each tank shall be provided with a vent pipe the internal diameter of which shall not be less than:

Up to 500 gallons.....	1 $\frac{1}{4}$ "
501 to 2,500 gallons.....	1 $\frac{1}{2}$ "
2,501 to 3,000 gallons.....	2"

extending from the top of the tank to a point not less than two feet above the roof of the building in a location approved by the Inspector of Dry-Cleaning.

46. Each tank shall be provided with a filling pipe not less than two and one-half inches in diameter and with inclination towards the tank to insure proper drainage. The intake end of such pipe shall in no case be located inside of any building and shall be enclosed in an iron box or hood set level with or above the surface of the ground and provided with a brass screw cap firmly attached to the filling pipe by a strong metal chain. When the filling pipe is not in use the screw cap shall be securely screwed on the inlet and the box or hood securely locked.

47. All pipes connected to storage tanks shall enter or be attached to same at the top. Service pipes carrying volatile substances from the storage tanks to the dry-cleaning and dry-dyeing machines or apparatus shall extend from the top of the tank and the controlling cocks or valves in the said service pipes shall be kept closed when not in use. All underground piping shall be galvanized or painted with a rust-proof paint and no underground pipe shall be less than 1 $\frac{1}{4}$ inches in diameter.

62. The application for, and the license for any such business or establishment shall clearly state the nature and composition of the liquids to be used, and no other liquids whatsoever shall be used in such machine or machines. The applicant shall provide the Inspector of Dry-Cleaning with the necessary information regarding the chemical constituents of the liquid used.

63. Machines shall be erected or installed only in locations approved by the Inspector of Dry-Cleaning.

In buildings of which any portion is used for the purpose of human habitation, machines may be installed on the first floor only of such buildings provided there is no accommodation for human habitation on the first floor or in the basement.

There shall be no access between any room where a machine or machines are installed and operated, and any other portion of a building used for human habitation.

64. Where the whole unit is totally enclosed and so arranged that the materials cleaned remain continuously in the machine during the process of washing, extracting and dry tumbling respectively, it need not be enclosed in a special room provided mechanical ventilation is provided in the room containing the unit; such mechanical ventilation system to be so connected that same operates automatically with the operation of the dry-cleaning unit.

65. When an open or semi-open type of machine or machines are installed there shall be provided fresh air inlets and exhaust fans in locations and manner subject to the approval of the Inspector of Dry-Cleaning. Where closed type machines are installed there shall be provided an exhaust fan on each machine and also exhaust fans sufficient to properly ventilate the room, subject to the approval of the Inspector of Dry-Cleaning.

Whether open or closed types of machines are used, sufficient ventilation shall be provided to completely change the air in dry-cleaning, drying and deodorizing rooms at least every two minutes and all doors of dry-cleaning room shall be self-closing.

66. Fumes from exhaust fans shall be discharged in such places as will not create nuisance or hazard and all exhaust piping and outlets to same shall be subject to the approval of the Inspector of Dry-Cleaning.

67. Ventilation systems shall be kept in operation during the whole period machines are in use and also while dry-cleaning articles are being dried or deodorized.

68. Floors of rooms where a machine or machines are located shall be formed of impervious material in order to prevent absorption of solvents and to prevent the passage of fumes. All such floors shall be constructed to the satisfaction of the Inspector of Dry-Cleaning.

69. All walls and partitions enclosing rooms which contain a machine or machines shall be constructed gas-tight.

70. All openings leading into rooms containing a machine or machines shall have tight-fitting doors and proper automatic door closers.

71. Pipes passing through floors shall pass through long sleeves made gas-tight.

72. Liquids shall be stored in such a manner as is approved by the Inspector of Dry-Cleaning and shall be transferred from machine to tanks or vice versa through continuous rigid metal piping. Liquids shall be stored and used in such a manner as to minimize evaporation and all containers shall be air-tight.

PART VII

REQUIREMENTS FOR SPOTTING AND STAIN-REMOVING ESTABLISHMENTS

73. Spotting and stain-removing as defined in Part II Section 2 of this By-law shall be carried on only in accordance with the following regulations:

48. All tanks and piping shall be tested in the presence of an inspector before back-filling. All tanks shall be equipped with ball floats or gauges or be so arranged as to detect overflowing of the fill pipes to the satisfaction of the Inspector of Dry-Cleaning.

49. Deodorizing tumblers or deodorizing apparatus of any type shall be fitted with explosion doors, automatic steam valves and proper ventilating devices.

50. Where a ventilating system consists of flues, such flues shall be kept clear and all flues in connection with deodorizing apparatus shall be kept clear.

51. All distillation and refining of flammable liquids shall be carried on, and all open plate and frame filters shall be used, in a room separate from the dry-cleaning room and such room shall be not less than eighty square feet in area.

52. Continuous clarifiers that have no open flow shall be allowed in the dry-cleaning room if absolutely essential to the efficient operation of the plant otherwise same shall be located in the distillation room. Gauges and sight glasses shall be so located as to be protected from damage.

53. All dry-cleaning, washing, extracting and redistilling shall be carried on in closed machines which are fluid-tight; washers shall have hinged doors and shall be so arranged that in case of an explosion the doors will automatically close. All such machines shall be equipped with doors to be used for cleaning-out purposes only.

54. Where extractors are used in connection with a charge system, the valve system must be designed to prevent over-flowing of extractor or building up of excessive pressure.

55. Scrubbing and brushing may be performed in the dry-cleaning room but only when flammable liquids are contained in a metallic pan or container. All flammable liquids used shall be returned to the settling or storage tanks as soon as the brushing or cleaning operation is completed.

56. The transfer of all liquids shall be through continuous piping and all outlet or drain pipes shall be drained by gravity or pumps to settling or storage tanks. Pumps only shall be used in feeding the supply pipes and such devices shall be located as to insure the return of all liquids to the storage tanks by gravity when the operation is completed. At the close of the day's operations all liquids contained in washers, extractors, stills or other receptacles shall be returned to the storage or settling tanks.

57. Smoking and the carrying of matches upon the premises shall be prohibited and notices to this effect shall be conspicuously posted.

58. Washing machines shall remain closed and liquid containers covered when containing solvent except for the necessary length of time required for loading and unloading.

59. If a flammable liquid is mixed with a non-flammable liquid for dry-cleaning, dry-dyeing, or spotting or stain-removing purposes such mixture or compound shall be considered flammable and be subject to the requirements of this by-law as flammable liquids.

60. Electric irons shall not be used in any building where dry-cleaning or dry-dyeing is done.

PART VI

NON-FLAMMABLE SOLVENTS

61. Notwithstanding anything heretofore contained in this By-law, dry-cleaning machinery in which volatile and non-flammable liquids only are used may be installed subject to the regulations hereinafter set forth.

74. Volatile or flammable liquids shall not be applied or used when contained in open receptacles but only when used or applied from an automatically closing safety container of not more than one quart capacity.

75. All spotting and stain-removing shall be carried on clear of the main exit of the premises subject to the approval of the Inspector of Dry-Cleaning.

Two separate exits shall be provided in each room where stain-removing operations are carried on.

76. Electric irons used in connection therewith shall be provided with incombustible stands and all connections for such irons shall be provided with pilot lights.

77. Stain-removing by the use of flammable liquids shall in no case be done in a room or enclosure where there is an open flame, light or spark.

78. If the liquid or compound used for stain-removing is toxic, proper ventilation shall be provided and the necessary precautions taken as required by Part VI of this By-law.

PART VIII

DAINGEROUS CONDITIONS

79. Whenever, in the opinion of the Inspector of Dry-Cleaning, any dry-cleaning, dry-dyeing or spotting and stain-removing plant or premises or any parts thereof, are in a dangerous condition or causing a condition that may become dangerous, the licensee thereof shall be notified wherein such danger exists and he shall immediately proceed to remedy the cause or defect.

80. Where the person licensed fails or neglects after notice to remedy the same and in the opinion of the Inspector of Dry-Cleaning the condition is such as to endanger life or property or cause serious accident and that such danger may be averted by taking precautionary measures, he shall have power to take such measures as in his opinion may be necessary at the expense of the person licensed, and all costs and expenses incurred in connection therewith shall be borne by the person licensed and may be recovered by action at the instance of the Corporation or in like manner as municipal taxes.

PART IX

PENALTIES FOR NON-COMPLIANCE

81. Any person convicted of a breach of any of the provisions of this By-law shall forfeit and pay, at the discretion of the convicting Magistrate, a penalty not exceeding (exclusive of costs) the sum of Three Hundred Dollars for each offence.

Upon conviction for a breach of any of the provisions of this By-law the convicting Magistrate, besides imposing penalty under the preceding paragraph of this section, may order the offender to carry out the requirements of this By-law within a time to be limited by the order. In default of the offender carrying out such order the said Magistrate may order the Inspector of Dry-Cleaning or any other person, to forthwith enter upon the premises where the said breach has taken place and demolish or remove at the expense of the offender the said construction or the part thereof erected contrary to the provisions of this By-law. The municipality may recover the expense incurred in so doing by action or the same may be recovered in like manner as municipal taxes.

The conviction of an offender upon a breach of any of the provisions of this By-law shall not operate as a bar to a prosecution against the

same offender upon any subsequent breach of the same or any other provision of this By-law. The presiding Magistrate may convict any offender repeatedly for repeated breaches of this By-law, and may at his discretion impose upon each conviction any of the penalties provided for by this By-law.

82. This By-law shall come into force upon, from and after being validated by the Legislature of the Province of Ontario.

NATHAN PHILLIPS,
Mayor.

GEO. A. WEALE,
City Clerk.

COUNCIL CHAMBER,
Toronto, November 7, 1955.
(L.S.)

BILL

An Act respecting the
City of Toronto

1st Reading

February 16th, 1956

2nd Reading

March 12th, 1956

3rd Reading

MR. COWLING

(Reprinted as amended by the
Committee of the Whole House)

No. 26

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the City of Toronto

MR. COWLING

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 26

1956

BILL

An Act respecting the City of Toronto

WHEREAS The Corporation of the City of Toronto by Preamble its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Corporation may in any year increase the annual grant that it gives to the Toronto Convention and Tourist Association, Inc., from \$17,500 to a total amount not exceeding \$25,000, for the maintenance of the Association, and may agree to make annual grants of amounts not exceeding \$25,000 per year for periods not exceeding five years, for the maintenance of the Association.

Authority to increase annual grant to Toronto Convention and Tourist Association to \$25,000

2. By-law No. 19538, passed by the council of the Corporation, entitled "A By-law respecting Dry-cleaning, Dry-dyeing and associated businesses", set forth as the Schedule hereto, is hereby validated and confirmed, and the said by-law may be amended from time to time to such extent as may be approved by the Ontario Municipal Board.

Dry-cleaning by-law confirmed

3. The Corporation is authorized to pay to Toronto Transit Commission the sum of \$47,922 for each of the years 1954 and 1955 for providing free transportation during such years for blind persons and war amputees.

Payment of \$47,922 to T.T.C. for each year 1954 and 1955 authorized

4.—(1) Subsections 4, 5, 6 and 7 of section 6 of *The City of Toronto Act, 1936* are repealed and the following substituted therefor:

1936, c. 84, s. 6, subss. 4-7, re-enacted

(4) The corporation shall have a lien upon the dwelling in respect of which an advance as provided in subsection 3 is made for the amount of such advance

Lien for loans made

together with interest thereon at a rate to be fixed from time to time by the council, but which shall not exceed 5 per centum per annum, and the amount of such advance with the interest thereon shall be repayable to the corporation by the owner of such dwelling in equal consecutive annual payments which shall be collected over a period of years to be determined by the inspector, which period shall not exceed ten years but need not be the same in the case of each such advance, in the same manner and at the same time as the municipal real property taxes in respect of the said dwelling.

Certificate
of lien for
registration

- (5) A certificate of the clerk of the municipality setting out the amount advanced or to be advanced or for the benefit of any owner under the provisions of subsection 3 or setting out the amount expended or to be expended by or on behalf of the corporation under the authority of subsection 6, including the rate of interest thereon, together with a description of the dwelling in respect of which any such amount was advanced or expended, or is to be advanced or expended, sufficient to identify the said dwelling shall be registered in the proper registry office or land titles office against the said dwelling upon proof by affidavit of the signature of the clerk, and upon repayment in full to the corporation of any such amount advanced or expended and the interest thereon, a certificate of the said clerk showing such repayment shall be similarly registered and the dwelling shall thereupon be freed from liability in respect of the amount advanced or expended and the interest thereon and from the lien arising therefrom.

Power of
corporation
to make
repairs

- (6) If any owner of a dwelling is unwilling to make same conform to the standard required by a by-law passed under the authority of this section, the corporation in addition to all other remedies shall have the right to make the said dwelling conform to such standard, including the right to demolish or cause to be demolished any building, structure or erection forming part of such dwelling and to do any work on adjoining property necessitated by such demolition, and for those purposes with its servants and agents from time to time to enter upon the lands of the said owner, and the corporation shall not be liable to compensate such owner or any other person by reason of anything done by or on behalf of the corporation under the provisions of this subsection;

and for any amount expended by or on behalf of the corporation under the authority of this subsection, the corporation shall have a lien for the amount expended together with interest thereon at a rate to be fixed in the manner provided in subsection 4 upon the dwelling in respect of which such amount was expended and the certificate of the clerk of the municipality as to such amount shall be final, and such amount shall be added to the collector's roll of taxes for the current year and shall be collected in the same manner as real property taxes.

- (7) Notwithstanding any other Act, a by-law passed under the authority of this section or any by-law to provide for the safety of buildings shall be enforceable in the same manner as a by-law passed under the authority of *The Municipal Act*, and any such by-laws may impose penalties of not more than \$300, exclusive of costs, upon every person who contravenes any provision of this section or of any by-law passed under the authority of this section, or of any by-law to provide for the safety of buildings.

Enforcement
R.S.O. 1950,
c. 243

- (2) Subsection 9 of the said section 6 is repealed and the following substituted therefor:

1936, c. 84,
s. 6, subs. 9,
re-enacted

- (9) Before proceeding under subsection 3 or 6, the corporation shall notify any mortgagee, vendor under agreement for sale or other encumbrancer appearing on the registered title, by registered letter, specifying wherein the said dwelling unit, building or premises are defective, and if the defects are not remedied within one month from such notification, then the provisions of subsections 3 and 6 shall apply.

Notice to
mortgagees
and others

- (3) The said section 6, as amended by section 3 of *The City of Toronto Act, 1941* and section 4 of *The City of Toronto Act, 1955*, is further amended by adding thereto the following subsection:

1936, c. 84,
s. 6,
amended

- (12) A by-law passed under the authority of this section may authorize an official named in the by-law to issue a certificate as to what proceedings, if any, are being taken as of the date of the certificate and the amount of money advanced pursuant to the provisions of this section or the provisions of any by-law to provide for the safety of buildings, and may authorize the collection of a fee for the issue of any such certificate.

Progress
certificates
authorized

Conveyance
confirmed

5. The conveyance by The Corporation of the City of Toronto to Lord Simcoe Hotel Limited, dated the 14th day of October, 1955, of Lot No. 6 on the north side of King Street West according to a plan filed in the Registry Office for the Registry Division of Toronto as No. 736-E, and registered on the 14th day of November, 1955, as No. 41721 E.S. in the said Registry Office, is ratified, confirmed and declared to be legal, valid and binding.

Pensions for
employees of
Toronto
Public
Library
Board
R.S.O. 1950,
c. 310

6. In addition to the authority contained in *The Public Libraries Act*, the Toronto Public Library Board, subject to the approval of the Minister of Education, is authorized in establishing a pension plan for its permanent employees, or any class thereof, to include provisions similar to any of the provisions in the by-law providing a pension plan for Toronto Civic Employees, which by-law is set forth as Schedule A to *The City of Toronto Act, 1954*.

1954, c. 133

1949, c. 142,
s. 9, subs. 1,
amended

7.—(1) Subsection 1 of section 9 of *The City of Toronto Act, 1949* is amended by striking out "or with the approval of the Minister of Municipal Affairs" in the second and third lines, so that the subsection shall read as follows:

Provision
for
increasing
partial
exemption
from
taxation of
dwelling
houses

(1) The council of the Corporation may, with the assent of the electors qualified to vote on money by-laws, pass a by-law increasing the partial exemption from taxation of dwelling houses in the City of Toronto, by providing that taxes and rates, except for school purposes, on dwelling houses assessed for not more than \$5,600 shall be levied and imposed on such percentage of the assessed value according to the classification of dwelling houses as the by-law may provide.

1949, c. 142,
s. 9, subs. 2,
cl. d,
amended

(2) Clause *d* of subsection 2 of the said section 9 is amended by striking out "or with the approval of the Minister of Municipal Affairs" in the third and fourth lines, so that the clause shall read as follows:

Authority
to repeal or
amend
by-law
passed under
this section

(*d*) may be repealed or amended from time to time with the assent of the electors qualified to vote on money by-laws.

1955, c. 117,
s. 3,
re-enacted

8. Section 3 of *The City of Toronto Act, 1955* is repealed and the following substituted therefor:

O'Keefe
Foundation
or O'Keefe
Centre

3.—(1) The Corporation may from time to time acquire land for the purposes of The O'Keefe Foundation or O'Keefe Centre.

(2) Upon payment to the Corporation of any expenses ^{Idem} incurred by it in connection with the acquisition of any land under this section or any predecessor of this section and the transfer thereof, the Corporation may convey any land so acquired to O'Keefe Centre.

(3) All land conveyed to O'Keefe Centre under this ^{Purposes} section shall be used only for the purposes of an auditorium, a cultural, civic or community centre or any purposes within the corporate powers and objects of O'Keefe Centre or for any other purposes as may be approved by the Corporation.

9.—(1) This Act, except section 6, comes into force on the ^{Commence-} day it receives Royal Assent.
_{ment}

(2) Section 6 shall be deemed to have come into force on ^{Idem} the 28th day of June, 1954.

10. This Act may be cited as *The City of Toronto Act, 1956*. ^{Short title}

SCHEDULE

BY-LAW No. 19538

A By-law respecting Dry-Cleaning, Dry-Dyeing and associated businesses.

(Passed November 7, 1955.)

The Council of the Corporation of the City of Toronto enacts as follows:

PART I

BY-LAWS REPEALED

1. By-law No. 14108 passed by the Council of the Corporation of the City of Toronto on the 14th day of May, 1934, and all amendments thereto are hereby repealed.

PART II

SECTION 2—DEFINITIONS

2. In this by-law, unless a contrary intention appears,

- (a) "branches" are premises occupied by wholly owned subsidiary branches of dry cleaning plants, as defined herein, which are operated solely for the purpose of receiving from customers, and delivering to customers, either over the counter or by vehicles, all goods to be processed, or processed and/or placed in storage by the dry cleaning plant owning and operating such branches;
- (b) "cleaning" is a process of dry cleaning, or a process of wet cleaning, as defined herein;
- (c) "customers" means persons requesting that a service be performed for them by a licensee and/or a party required to file proof of financial responsibility under the provisions of this By-law;
- (d) "dry cleaning" is a process of cleaning goods by immersion and agitation, or by immersion only, in volatile solvents, (including but not by way of limitation, solvents of the petroleum distillate type, the coal tar distillate type, and the chlorinated hydrocarbon type), and any or all of the standard processes incidental thereto and including wet cleaning, pressing, spotting, finishing, dyeing, repairing and storage;
- (e) "dry cleaning plant" means any premises, building, room or establishment commonly known to the trade as a cleaning plant, equipped to perform the service of dry cleaning, and wet cleaning, pressing, spotting, finishing, dyeing, repairing, and/or storage, all as defined herein, and which receives from customers and delivers to customers all goods to be processed, or processed, and/or placed in storage by the dry cleaning plant, either over the counter, or by vehicles, through branches, press shops, and/or receiving and distributing depots;
- (f) "dry dyeing" is a process of colouring goods by the use of aniline dyes, mordants, or acid, with or without steam;
- (g) "financial responsibility" means the ability of a licensee under this By-law to pay and satisfy any and all judgments obtained by any customer against the licensee in respect to goods received by the said licensee from such customer;
- (h) "fire-resisting construction" shall mean fire-resisting construction as defined by the Building By-law of the City of Toronto as amended;

- (i) "goods" wherever used, shall mean goods in bailee and include any and all articles of clothing, fabrics, furs, hats, textiles, household goods and/or furnishings, delivered to, or in the possession of a licensee under this By-law, for the purpose of dry cleaning and/or wet cleaning, pressing, spotting, finishing, dyeing, repairing and/or storage;
- (j) "pressing and/or finishing" is a process of restoring goods to the original shape, dimensions, or contour thereof, or to those in which the same were received from the customer, or as directed by the customer, and the removal of wrinkles, stresses, bulges, and impressions, imprint marks and shine, from goods by the application of pressure, heat, moisture, water vapour or steam, or all of them, whether applied manually or by any mechanical means;
- (k) "press shops" are premises used for the purposes of receiving from customers, and delivering to customers, either over the counter or by vehicles, all goods to be processed, or processed and/or placed in storage. Press shops may within the premises occupied, do pressing, spotting, repairing and/or finishing goods all as defined herein, but shall not operate the process of cleaning as defined herein, which processes shall be done on behalf of the press shop by a dry cleaning plant as defined herein;
- (l) "receiving and distributing depots" are premises used solely for the purpose of receiving from customers, and delivering to customers, either over the counter or by vehicles, all goods to be processed, or processed, and/or placed in storage;
- (m) "repairing" means and includes the making of minor repairs and restorations, reaffixing, replacing or restoring buttons and other fastening devices, and decorative materials to the goods either before or after completion of one or more of the processes herein defined as required by the customer;
- (n) "spotting and stain removing" is a process of removing spots, or stains, or localized areas of soil, from goods either before or after and with or without dry cleaning or wet cleaning, by brushing, spraying, or other means of manual or mechanical application other than immersion, with water detergents and volatile or inflammable solvents, or chemicals, or any, or all, of them;
- (o) "storage" as applicable to those licensed under this By-law shall be defined as a service for the storage of goods in a complete and properly locked up storage vault or room, and the word "cold" may be prefixed where cold storage facilities are provided. Such storage vault or room shall be of fire-resisting construction throughout, equipped with approved fire-proof burglar-proof locking devices and so equipped to prevent damage to contents from moths and vermin;
- (p) "wet cleaning" is the process of cleaning goods by immersion in water, or by applying manually or by any mechanical device, water, or any detergent and water, or by spraying or brushing the goods with water, or water and any detergent, or water vapour, or steam;
- (q) "vehicles" are vehicles of any kind which are used by a dry-cleaning plant, press shop and/or a receiving and distributing depot for the purpose of receiving from customers, and delivering to customers, all goods to be processed, or processed and/or placed in storage;
- (r) "independent vehicles" are vehicles of any kind which are used for the purpose of receiving from customers, and delivering to customers, all goods to be processed, or processed and/or placed in storage when such vehicles are not owned or operated by and/or bear the same name as a business defined herein as a dry cleaning plant, press shop, and/or a receiving and distributing depot.

SECTION 3—EXCEPTION

3. The provisions of this By-law shall not apply to laundries as defined by By-law No. 4942 passed by the council of the Corporation of the City of Toronto on the 13th day of May, 1907, and amendments thereto.

PART III

SECTION 4—BUSINESS LICENSED

4. The Commissioner of Buildings shall be the Inspector of Dry-Cleaning, whose duty it shall be to see that the provisions of this By-law are carried out.

5. No person shall use any land in the City of Toronto for the purposes of the business of dry-cleaning, dry-dyeing, cleaning and pressing and spotting or stain-removing, including land used for the purpose of receiving goods to be subjected to any such process and for the distribution of goods which have been subjected to any such process, without having first obtained from the Corporation of the City of Toronto a license so to do.

6. No person shall engage in the business of or operate a dry-cleaning plant, branch, press shop, and/or a receiving and distributing depot as hereinbefore defined without having first obtained a license so to do from the Inspector of Dry-Cleaning. The owner or occupant of any building or premises or part thereof, shall not use or permit to be altered or used, any such building or premises or any part thereof, for or in connection with any one or more of the types of business defined herein unless and until the requisite license or licenses has or have been obtained.

7. Application for a license under this By-law shall be made in the form of a Declaration to the Inspector of Dry Cleaning in duplicate upon official forms obtainable for the purpose at the office of the said Inspector but no such application shall be required where a licensee desires renewal of a license if the facts and conditions relating thereto are the same as when the original license was issued. Such forms shall be completed by the applicant or a legally authorized agent for the applicant, and the following information inter alia will be required by the said Inspector:

- (a) the type or types of business the applicant intends to conduct and the location of same;
- (b) the construction of the premises where such business will be carried on;
- (c) the details of installation and operation of any or all machinery or plant and any other matters having a bearing upon the safety of any building, premises, property, goods or equipment or of a person or persons in or about the premises;
- (d) the legal status of the applicant.

A partnership, or a firm of two or more persons, or a corporation desiring to carry on a business requiring a license hereunder shall obtain a license on its behalf in the name of some person, named in the application for such license who will be engaged in the business to be carried on by the partnership, firm or corporation, as a partner or an officer, as the case may be.

8. Every applicant for a license under this By-law shall file with the Inspector of Dry-Cleaning proof of the applicant's financial responsibility in the following amounts in respect of each of the following types of business:

- (a) dry-cleaning plant including branches and vehicles operated thereby..... \$5,000.00
- (b) press shop and/or receiving and distributing depot.. 1,000.00
- (c) independent vehicle..... 5,000.00

- (d) vehicles owned and operated by or on behalf of a dry-cleaning plant, press shop and/or a receiving and distributing depot doing business in the City of Toronto, but not using any land in the City of Toronto \$1,000.00

Proof of financial responsibility may be a bond issued by a surety company licensed under the laws of the Province of Ontario or in any form satisfactory to the Inspector of Dry-Cleaning. Should such proof of financial responsibility filed by a licensee hereunder become void for any cause whatsoever, the license or licenses as the case may be of such licensees may forthwith be deemed cancelled.

9. Where it is proposed to extend a licensed business by the installation of additional machines, plant, dry-cleaning or dry-dyeing equipment or otherwise to any other portion of the building or premises, or to an adjoining building or premises, such extensions shall be approved by the Inspector of Dry-Cleaning before being proceeded with.

Where it is proposed to extend a licensed business to a location other than upon the same or adjoining premises, such extension shall for the purpose of this By-law be considered as the establishing of a new business and a separate and distinct license covering the new premises shall be obtained.

10. In the case of business existing at the time of the passing of this By-law, the Inspector of Dry-Cleaning may allow such variations from structural requirements hereinafter set out as he may approve of, where such variations will not in his opinion unreasonably affect the safety of the public.

11. When the Inspector of Dry-Cleaning is satisfied that all work has been completed in connection with the premises and equipment, and all other requirements of this By-law have been complied with, and further, is satisfied in the interests of safety and health of persons in or about the premises, and of the safety of property, that all reasonable precautions against fire, explosions, injury to health or accident have been taken, and upon payment of the proper fee he shall grant the necessary license.

Every license issued under this By-law shall be made out in duplicate and be signed by the Inspector of Dry-Cleaning who is hereby authorized to issue such license and sign same on behalf of The Corporation of the City of Toronto. One copy shall be delivered to the person licensed, who shall exhibit the same in a conspicuous position upon the licensed premises where it may be viewed by any customer, and the other shall be retained by the Inspector of Dry-Cleaning. An independent vehicle shall be supplied with and required to display a numbered identification plate or tag as evidence of compliance with the provisions of Part III Section 8 herein.

12. The annual fee to be paid for a license to use land for the purpose of operating a dry-cleaning plant, branch, press shop, receiving and distributing depot in the City of Toronto, as defined herein shall be as follows:

For dry-cleaning plants using flammable solvents.	\$100.00
Plus \$10.00 for each branch	
For dry-cleaning plants using non-flammable solvents. . . .	50.00
Plus \$10.00 for each branch	
(A duplicate license will be issued for each branch)	
For press shops or any processes other than dry-cleaning. .	25.00
For receiving and distributing depots.	10.00

13. All licenses issued under this By-law unless they are expressly granted for a shorter period, shall be operative for the calendar year current at the time of issuing thereof, and shall expire on the 31st day of December next succeeding the date of the issuing of the same. For a license issued between the 1st day of January and the 30th day of June, inclusive, in any year, the amount to be paid shall be equal to the fee for the full year, and for any license issued subsequently to the 30th day of June in any year, the amount to be paid shall be equal to one-half of the fee for the full year.

Any license issued under the provisions of this By-law shall be non-transferable and is to be considered a personal license.

14. Every building, structure, plant and method of operation used in connection with any business or establishment licensed under this By-law shall be subject to inspection from time to time by the Inspector of Dry-Cleaning or any of his assistants. The licensee shall afford every facility for such inspection and shall not at any reasonable time refuse admission to such officer or any of his assistants.

15. No volatile or flammable liquid in excess of one quart of each such fluid shall be used in any part of building, other than that portion licensed for dry-cleaning purposes.

16. In case of accident from fire or explosion resulting from the operation of any such business or establishment, the licensee shall immediately report such accident to the Inspector of Dry-Cleaning, who shall, after investigating the cause or causes of such accident, immediately record a full and detailed report of same.

17. No person licensed under the provisions of this By-law shall keep his place of business open to the public or allow any customer to be served therein on any day after the hour of six o'clock in the afternoon.

18. (a) The Council of the Corporation of the City of Toronto may revoke any license issued under the provisions of this By-law.

(b) Notice of the revocation of any license may be given by the Council by prepaid registered mail to the address given by the licensee in the application for a license and upon such notice being mailed as aforesaid the license revoked shall cease and terminate and be of no further effect.

(c) Where a license is revoked the licensee shall be entitled to a refund of a part of the license fee proportionate to the unexpired part of the term for which it was granted.

19. No licensee shall conduct the business licensed or advertise or solicit business under a name other than the name which appears on the license for such business. All premises, vehicles and printed matter used for or in connection with a business licensed hereunder shall bear the name which appears on the license for such business.

An independent vehicle shall have the following words displayed on both sides of such vehicle in a clear and legible manner, "Agent for Dry Cleaning", and all printed matter issued or distributed to customers of such independent vehicles shall include the same wording required to be displayed on the vehicle proper.

20. Every applicant for a license under this By-law shall satisfy the Inspector of Dry-Cleaning that the applicant has insured and will continuously keep insured all goods as defined herein from the time such goods are received for or on behalf of the applicant from a customer until such time as the said goods are returned to the customer by or on behalf of the applicant; such insurance shall be underwritten by an insurer licensed under the laws of the Province of Ontario to do business in Ontario, and shall insure all goods as aforesaid against loss and/or damage by fire, smoke, theft, flood and other risks, common to such insurance.

The Inspector of Dry-Cleaning shall have the right to require the applicant to produce a certificate from the insurer showing the maximum amounts for which insurance has been obtained covering such goods and the premium receipt therefor. Should such insurance be cancelled or allowed to lapse, or otherwise become void, the license of such licensee shall be revoked.

In lieu of insurance as aforesaid, the applicant may deposit and keep on deposit with the Inspector of Dry-Cleaning evidence satisfactory to the said Inspector of the financial responsibility of the applicant to satisfy all claims and demands in respect of goods in the custody of the applicant for loss and/or damage by fire, smoke, theft, flood and other risks common to such insurance.

21. A licensee upon receiving any goods from a customer must hand the customer a receipt for such goods showing:

- (a) the name and address of the licensee;
- (b) the license number of the licensee;
- (c) such information as may be applicable in conformity with Part III Section 19 hereof;
- (d) and when requested by the customer, the name and address of the customer and a description of such goods.

PART IV

REQUIREMENTS FOR BUILDINGS WHEREIN FLAMMABLE SOLVENTS ARE USED

22. In addition to complying with the requirements of the Building By-law or any other By-law of the City of Toronto, every building or part thereof actually used for dry-cleaning, dry-dyeing, drying, clarifying or refining purposes shall comply with the following regulations:

23. No portion of any such building shall be used for human habitation and no accommodation therefor shall be provided in any such building.

24. Each such building shall be located a distance of at least one hundred feet from any church, school or other public building, at least ten feet from any other building, and at least ten feet from all street and lot lines, and in such location as to render easy access in case of fire or accident.

25. Each such building shall not exceed one storey in height, which shall be not less than fourteen feet in the clear from floor to ceiling. There shall be no basement or cellar or open spaces underneath the floor, nor shall the floor area exceed twenty-five hundred square feet.

26. All enclosing walls and all internal walls shall be of brick, concrete, tile or other fire-resisting material approved by the Inspector of Dry-Cleaning, the minimum thickness of which shall be thirteen inches, and all mortar used shall be cement mortar.

27. The roof over every room and over every hall or corridor connected therewith, shall be constructed of and supported by fire-resisting construction. In the roof over each room, hall, or corridor there shall be left an opening equal in area to at least ten per cent of the floor area of such room, hall or corridor and this roof opening shall be provided with an approved incombustible automatically opening skylight.

28. Floor shall be constructed of fire-resisting material and laid not lower than the grade adjoining the building and accurately graded to drainage outlets.

29. At least two exits shall be provided from every washing room and one of these exits shall lead directly to the outside air.

30. Every door shall be constructed of fire-resisting material and shall open in an outward direction.

31. Window openings shall be equipped with metal sash and wired glass glazed on the outside. A section of each opening shall be hinged vertically and afford an opening of about three feet by four feet to permit escape from the building. In each such section there shall be provided one sheet of clear glass so located that, when broken, the window may be readily opened from the outside.

32. All shafting necessary for the operation of the machines and apparatus shall enter the dry-cleaning, dry-dyeing, and drying rooms

through the smallest necessary openings in the walls. Such openings shall be at least ten feet above the floor and protected so as to prevent the propagation of flame or explosion through them.

33. Every such building shall be ventilated by means of apertures each not less than sixty square inches in area located in the external walls at the floor level and spaced not over six feet centres. Such apertures shall be covered with a wire screen having at least two meshes to the inch or its equivalent, and same shall be kept clear of all obstructions and the building shall be equipped with fans or other ventilating devices. The ventilating system shall be so arranged as to completely change the air every two minutes while the plant is in operation. Other types of ventilating systems may be provided in lieu of the above if approved in writing by the Inspector of Dry-Cleaning. Fumes from exhaust fans shall be discharged in such places as will not create nuisance or hazard and all exhaust piping and outlets to same shall be constructed to the satisfaction of the Inspector of Dry-Cleaning.

34. All artificial lighting shall be by incandescent electric lights. All electrical wiring and other electrical equipment shall conform to the requirements of Part I of the Canadian Electrical Code for Class I Hazardous Locations. Every installation of such wiring and equipment shall be to the full approval of the Electrical Inspection Department of the Hydro-Electric Power Commission and before operating any equipment in the building the licensee shall submit to the Commissioner of Buildings a certificate from such Department stating that such installation has passed an insulation test and complies with the requirements of the Canadian Electrical Code for Class I Hazardous Locations.

35. Such buildings shall be provided with perforated steam pipes having an internal diameter of not less than two inches, so connected as to equalize the distribution of steam, and so placed that the steam when turned on will quickly fill the entire building. Such steam pipes shall be provided with perforations not less than one-quarter of an inch in diameter equally spaced so that there shall be at least one opening to each twenty-five square feet of floor space. Outside the building there shall be placed in the service line or lines connected with such perforated steam pipes a quick acting lever valve which shall be accessible for operation in case of fire. The steam supply for such pipes shall be available at all times for service while the plant is in operation, and shall be sufficient to completely fill the building in not more than one minute. Other efficient fire extinguishing systems approved in writing by the Chief of the Fire Department may be provided in lieu of those provided for in this paragraph.

PART V

INSTALLATION AND OPERATION EQUIPMENT

36. All water, sludge, waste liquids etcetera, from stills, cleaning rooms, or other rooms where cleaning liquids are used shall pass through an interceptor or trap before entering the drains and such trap or interceptor shall be satisfactory to the Commissioner of Works. The responsibility of maintaining the trap or interceptor in working order rests with the licensee who shall see that no cleaning liquids enter the drain.

A concrete slab with an 8-inch curb all around shall be provided outside the dry-cleaning room in which to store all flammable sludge pending its removal from the plant.

37. Except as hereinafter provided, no gas or gasoline engine, boiler, steam generator, electrical dynamo or motor, heating or pressing device, or other apparatus that may cause flame or sparking, shall be located, maintained or used inside of, or within a distance of fifteen feet of any building used for dry-cleaning or dry-dyeing. It is provided, however, that an electric motor may be placed within such space of fifteen feet provided it is located outside of a masonry or concrete wall, or an explosion-proof electric motor may be located inside any such building provided such motor together with the necessary appurtenances and control apparatus are constructed and maintained in accordance with the requirements of Part I of the Canadian Electrical Code for Class I Hazardous Locations.

Every installation of a motor inside any such building shall be to the full approval of the Electrical Inspection Department of the Hydro-Electric Power Commission of Ontario, and before operating any equipment in the building the licensee shall submit to the Commissioner of Buildings a certificate from such Department stating that such installation has passed an insulation test and complies with the requirements of the Canadian Electrical Code for Class I Hazardous Locations.

The heating of such buildings shall be only by use of steam or hot water systems.

38. All shafting, pulleys, piping and metallic parts of machines shall be properly grounded by at least 10-gauge copper wire connected to a waterpipe or other grounding device. This system of grounding shall be examined and tested by the licensee at least once each week and shall be kept in good repair at all times.

39. All tables, racks, shelves and cupboards used for the hanging and storing of fabrics shall be of incombustible material.

40. One approved chemical fire extinguisher, and three pails of sand shall be provided for each five hundred square feet of floor space.

41. At least two asbestos sheets and one pike pole of approved length and design shall be kept ready for immediate use in a convenient place adjacent to the cleaning room.

42. All flammable liquids or mixtures of flammable and non-flammable liquids shall be stored in steel tanks which shall be located outside of the building and buried underground to such a depth as will secure a covering of earth of at least three feet below the level of the surface of the adjoining ground and shall not in any event be placed, constructed or maintained under a public sidewalk or in a sidewalk area. The location thereof and their contents and hazards shall be plainly marked by a sign approved by the Inspector of Dry-Cleaning.

43. Tanks shall be coated on the outside with a rust preventive.

44. Tanks shall have a total capacity of not more than 9,000 gallons, and single tanks shall have a capacity of not more than 3,000 gallons each.

45. Each tank shall be provided with a vent pipe the internal diameter of which shall not be less than:

Up to 500 gallons.....	1 1/4"
501 to 2,500 gallons.....	1 1/2"
2,501 to 3,000 gallons.....	2"

extending from the top of the tank to a point not less than two feet above the roof of the building in a location approved by the Inspector of Dry-Cleaning.

46. Each tank shall be provided with a filling pipe not less than two and one-half inches in diameter and with inclination towards the tank to insure proper drainage. The intake end of such pipe shall in no case be located inside of any building and shall be enclosed in an iron box or hood set level with or above the surface of the ground and provided with a brass screw cap firmly attached to the filling pipe by a strong metal chain. When the filling pipe is not in use the screw cap shall be securely screwed on the inlet and the box or hood securely locked.

47. All pipes connected to storage tanks shall enter or be attached to same at the top. Service pipes carrying volatile substances from the storage tanks to the dry-cleaning and dry-dyeing machines or apparatus shall extend from the top of the tank and the controlling cocks or valves in the said service pipes shall be kept closed when not in use. All underground piping shall be galvanized or painted with a rust-proof paint and no underground pipe shall be less than 1 1/4 inches in diameter.

48. All tanks and piping shall be tested in the presence of an inspector before back-filling. All tanks shall be equipped with ball floats or gauges or be so arranged as to detect overflowing of the fill pipes to the satisfaction of the Inspector of Dry-Cleaning.

49. Deodorizing tumblers or deodorizing apparatus of any type shall be fitted with explosion doors, automatic steam valves and proper ventilating devices.

50. Where a ventilating system consists of flues, such flues shall be kept clear and all flues in connection with deodorizing apparatus shall be kept clear.

51. All distillation and refining of flammable liquids shall be carried on, and all open plate and frame filters shall be used, in a room separate from the dry-cleaning room and such room shall be not less than eighty square feet in area.

52. Continuous clarifiers that have no open flow shall be allowed in the dry-cleaning room if absolutely essential to the efficient operation of the plant otherwise same shall be located in the distillation room. Gauges and sight glasses shall be so located as to be protected from damage.

53. All dry-cleaning, washing, extracting and redistilling shall be carried on in closed machines which are fluid-tight; washers shall have hinged doors and shall be so arranged that in case of an explosion the doors will automatically close. All such machines shall be equipped with doors to be used for cleaning-out purposes only.

54. Where extractors are used in connection with a charge system, the valve system must be designed to prevent over-flowing of extractor or building up of excessive pressure.

55. Scrubbing and brushing may be performed in the dry-cleaning room but only when flammable liquids are contained in a metallic pan or container. All flammable liquids used shall be returned to the settling or storage tanks as soon as the brushing or cleaning operation is completed.

56. The transfer of all liquids shall be through continuous piping and all outlet or drain pipes shall be drained by gravity or pumps to settling or storage tanks. Pumps only shall be used in feeding the supply pipes and such devices shall be located as to insure the return of all liquids to the storage tanks by gravity when the operation is completed. At the close of the day's operations all liquids contained in washers, extractors, stills or other receptacles shall be returned to the storage or settling tanks.

57. Smoking and the carrying of matches upon the premises shall be prohibited and notices to this effect shall be conspicuously posted.

58. Washing machines shall remain closed and liquid containers covered when containing solvent except for the necessary length of time required for loading and unloading.

59. If a flammable liquid is mixed with a non-flammable liquid for dry-cleaning, dry-dyeing, or spotting or stain-removing purposes such mixture or compound shall be considered flammable and be subject to the requirements of this by-law as flammable liquids.

60. Electric irons shall not be used in any building where dry-cleaning or dry-dyeing is done.

PART VI

NON-FLAMMABLE SOLVENTS

61. Notwithstanding anything heretofore contained in this By-law, dry-cleaning machinery in which volatile and non-flammable liquids only are used may be installed subject to the regulations hereinafter set forth.

62. The application for, and the license for any such business or establishment shall clearly state the nature and composition of the liquids to be used, and no other liquids whatsoever shall be used in such machine or machines. The applicant shall provide the Inspector of Dry-Cleaning with the necessary information regarding the chemical constituents of the liquid used.

63. Machines shall be erected or installed only in locations approved by the Inspector of Dry-Cleaning.

In buildings of which any portion is used for the purpose of human habitation, machines may be installed on the first floor only of such buildings provided there is no accommodation for human habitation on the first floor or in the basement.

There shall be no access between any room where a machine or machines are installed and operated, and any other portion of a building used for human habitation.

64. Where the whole unit is totally enclosed and so arranged that the materials cleaned remain continuously in the machine during the process of washing, extracting and dry tumbling respectively, it need not be enclosed in a special room provided mechanical ventilation is provided in the room containing the unit; such mechanical ventilation system to be so connected that same operates automatically with the operation of the dry-cleaning unit.

65. When an open or semi-open type of machine or machines are installed there shall be provided fresh air inlets and exhaust fans in locations and manner subject to the approval of the Inspector of Dry-Cleaning. Where closed type machines are installed there shall be provided an exhaust fan on each machine and also exhaust fans sufficient to properly ventilate the room, subject to the approval of the Inspector of Dry-Cleaning.

Whether open or closed types of machines are used, sufficient ventilation shall be provided to completely change the air in dry-cleaning, drying and deodorizing rooms at least every two minutes and all doors of dry-cleaning room shall be self-closing.

66. Fumes from exhaust fans shall be discharged in such places as will not create nuisance or hazard and all exhaust piping and outlets to same shall be subject to the approval of the Inspector of Dry-Cleaning.

67. Ventilation systems shall be kept in operation during the whole period machines are in use and also while dry-cleaning articles are being dried or deodorized.

68. Floors of rooms where a machine or machines are located shall be formed of impervious material in order to prevent absorption of solvents and to prevent the passage of fumes. All such floors shall be constructed to the satisfaction of the Inspector of Dry-Cleaning.

69. All walls and partitions enclosing rooms which contain a machine or machines shall be constructed gas-tight.

70. All openings leading into rooms containing a machine or machines shall have tight-fitting doors and proper automatic door closers.

71. Pipes passing through floors shall pass through long sleeves made gas-tight.

72. Liquids shall be stored in such a manner as is approved by the Inspector of Dry-Cleaning and shall be transferred from machine to tanks or vice versa through continuous rigid metal piping. Liquids shall be stored and used in such a manner as to minimize evaporation and all containers shall be air-tight.

PART VII

REQUIREMENTS FOR SPOTTING AND STAIN-REMOVING ESTABLISHMENTS

73. Spotting and stain-removing as defined in Part II Section 2 of this By-law shall be carried on only in accordance with the following regulations:

74. Volatile or flammable liquids shall not be applied or used when contained in open receptacles but only when used or applied from an automatically closing safety container of not more than one quart capacity.

75. All spotting and stain-removing shall be carried on clear of the main exit of the premises subject to the approval of the Inspector of Dry-Cleaning.

Two separate exits shall be provided in each room where stain-removing operations are carried on.

76. Electric irons used in connection therewith shall be provided with incombustible stands and all connections for such irons shall be provided with pilot lights.

77. Stain-removing by the use of flammable liquids shall in no case be done in a room or enclosure where there is an open flame, light or spark.

78. If the liquid or compound used for stain-removing is toxic, proper ventilation shall be provided and the necessary precautions taken as required by Part VI of this By-law.

PART VIII

DAINGEROUS CONDITIONS

79. Whenever, in the opinion of the Inspector of Dry-Cleaning, any dry-cleaning, dry-dyeing or spotting and stain-removing plant or premises or any parts thereof, are in a dangerous condition or causing a condition that may become dangerous, the licensee thereof shall be notified wherein such danger exists and he shall immediately proceed to remedy the cause or defect.

80. Where the person licensed fails or neglects after notice to remedy the same and in the opinion of the Inspector of Dry-Cleaning the condition is such as to endanger life or property or cause serious accident and that such danger may be averted by taking precautionary measures, he shall have power to take such measures as in his opinion may be necessary at the expense of the person licensed, and all costs and expenses incurred in connection therewith shall be borne by the person licensed and may be recovered by action at the instance of the Corporation or in like manner as municipal taxes.

PART IX

PENALTIES FOR NON-COMPLIANCE

81. Any person convicted of a breach of any of the provisions of this By-law shall forfeit and pay, at the discretion of the convicting Magistrate, a penalty not exceeding (exclusive of costs) the sum of Three Hundred Dollars for each offence.

Upon conviction for a breach of any of the provisions of this By-law the convicting Magistrate, besides imposing penalty under the preceding paragraph of this section, may order the offender to carry out the requirements of this By-law within a time to be limited by the order. In default of the offender carrying out such order the said Magistrate may order the Inspector of Dry-Cleaning or any other person, to forthwith enter upon the premises where the said breach has taken place and demolish or remove at the expense of the offender the said construction or the part thereof erected contrary to the provisions of this By-law. The municipality may recover the expense incurred in so doing by action or the same may be recovered in like manner as municipal taxes.

The conviction of an offender upon a breach of any of the provisions of this By-law shall not operate as a bar to a prosecution against the

same offender upon any subsequent breach of the same or any other provision of this By-law. The presiding Magistrate may convict any offender repeatedly for repeated breaches of this By-law, and may at his discretion impose upon each conviction any of the penalties provided for by this By-law.

82. This By-law shall come into force upon, from and after being validated by the Legislature of the Province of Ontario.

NATHAN PHILLIPS,
Mayor.

GEO. A. WEALE,
City Clerk.

COUNCIL CHAMBER,
Toronto, November 7, 1955.
(L.S.)

BILL

An Act respecting the
City of Toronto

1st Reading

February 16th, 1956

2nd Reading

March 12th, 1956

3rd Reading

March 14th, 1956

MR. COWLING

No. 27

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting The Beechwood Cemetery Company
of the City of Ottawa

MR. LAVERGNE

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 27

1956

BILL

An Act respecting The Beechwood Cemetery Company of the City of Ottawa

WHEREAS The Beechwood Cemetery Company of the ^{Preamble} City of Ottawa, hereinafter called the Company, by its petition has represented that it was incorporated under *An Act to incorporate "The Beechwood Cemetery Company of the City of Ottawa"*, being chapter 149 of the Statutes of Ontario, 1873, c. 149, that by section 3 of its Act of incorporation the Company was empowered to acquire, take and hold a tract of land in the Township of Gloucester, in the County of Carleton, not exceeding 400 acres, and to sell and otherwise dispose of such land in lots, plots or parcels to be used exclusively as a cemetery or place of burial of the dead; that in pursuance of the said power the Company has acquired land in the said Township not in excess of 400 acres, and that parts of the said land are not used for any purpose and have not been sold for the purpose of burial of the dead, and that included in the said unused parts is a parcel measuring 250 feet in frontage on St. Laurent Boulevard by a depth of 250 feet which will not be required for the purposes of the cemetery and for the burial of the dead; that by an agreement dated January 26th, 1956, the Company has undertaken to sell the said parcel of land to The Roman Catholic Episcopal Corporation of Ottawa and that a condition of the proposed sale is that special legislation be enacted whereby the Company will be empowered to validly convey the said parcel of land to the proposed purchaser notwithstanding the provisions of its Act of incorporation; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding *An Act to incorporate "The Beechwood Cemetery Company of the City of Ottawa"*, being chapter 149 of the Statutes of Ontario, 1873, The Beechwood Cemetery Company of the City of Ottawa is hereby empowered to validly sell to The Roman Catholic Episcopal Corporation ^{Sale authorized}

of Ottawa, for the purposes of the Corporation, and to validly convey to it, subject only to any right of any predecessor in title, the lands described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Ottawa, formerly in the Township of Gloucester, in the County of Carleton and Province of Ontario, BEING COMPOSED of part of Lot Three (3), Junction Gore of the Township of Gloucester, now in the City of Ottawa, which said part of said Lot may be more particularly described as follows:

COMMENCING at a point in the easterly boundary of the said lot distant 612.98 feet measured northerly along the easterly boundary of the said lot from the south-east angle of said lot Three (3) which point is the north-east angle of the lands described in registered Instrument No. 4551; thence westerly and at right angles to the easterly boundary of said lot and on a bearing South $68^{\circ} 11'$ West along the northerly limit of the lands described in said registered Instrument No. 4551 and its production westerly a distance of 250 feet; thence northerly and parallel to the easterly limit of the said lot and on a bearing North $21^{\circ} 49'$ West a distance of 250 feet; thence easterly and parallel to the northerly limit of the lands described in the said registered Instrument No. 4551 and on a bearing North $68^{\circ} 11'$ East a distance of 250 feet to the easterly limit of the said lot; thence southerly and along the easterly limit of the said lot and on a bearing South $21^{\circ} 49'$ East a distance of 250 feet to the point of commencement.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Beechwood Cemetery Company of the City of Ottawa Act, 1956*.

BILL

An Act respecting
The Beechwood Cemetery Company
of the City of Ottawa

1st Reading

February 16th, 1956

2nd Reading

3rd Reading

MR. LAVERGNE

(*Private Bill*)

No. 27

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting The Beechwood Cemetery Company
of the City of Ottawa

MR. LAVERGNE

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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An Act respecting The Beechwood Cemetery Company of the City of Ottawa

WHEREAS The Beechwood Cemetery Company of the City of Ottawa, hereinafter called the Company, by its petition has represented that it was incorporated under *An Act to incorporate "The Beechwood Cemetery Company of the City of Ottawa"*, being chapter 149 of the Statutes of Ontario, 1873; that by section 3 of its Act of incorporation the Company was empowered to acquire, take and hold a tract of land in the Township of Gloucester, in the County of Carleton, not exceeding 400 acres, and to sell and otherwise dispose of such land in lots, plots or parcels to be used exclusively as a cemetery or place of burial of the dead; that in pursuance of the said power the Company has acquired land in the said Township not in excess of 400 acres, and that parts of the said land are not used for any purpose and have not been sold for the purpose of burial of the dead, and that included in the said unused parts is a parcel measuring 250 feet in frontage on St. Laurent Boulevard by a depth of 250 feet which will not be required for the purposes of the cemetery and for the burial of the dead; that by an agreement dated January 26th, 1956, the Company has undertaken to sell the said parcel of land to The Roman Catholic Episcopal Corporation of Ottawa and that a condition of the proposed sale is that special legislation be enacted whereby the Company will be empowered to validly convey the said parcel of land to the proposed purchaser notwithstanding the provisions of its Act of incorporation; and whereas it is expedient to grant the prayer of the petition;

Preamble

1873, c. 149

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

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Sale
authorized

of Ottawa, for the purposes of the Corporation, and to validly convey to it, subject only to any right of any predecessor in title, the lands described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Ottawa, formerly in the Township of Gloucester, in the County of Carleton and Province of Ontario, BEING COMPOSED of part of Lot Three (3), Junction Gore of the Township of Gloucester, now in the City of Ottawa, which said part of said Lot may be more particularly described as follows:

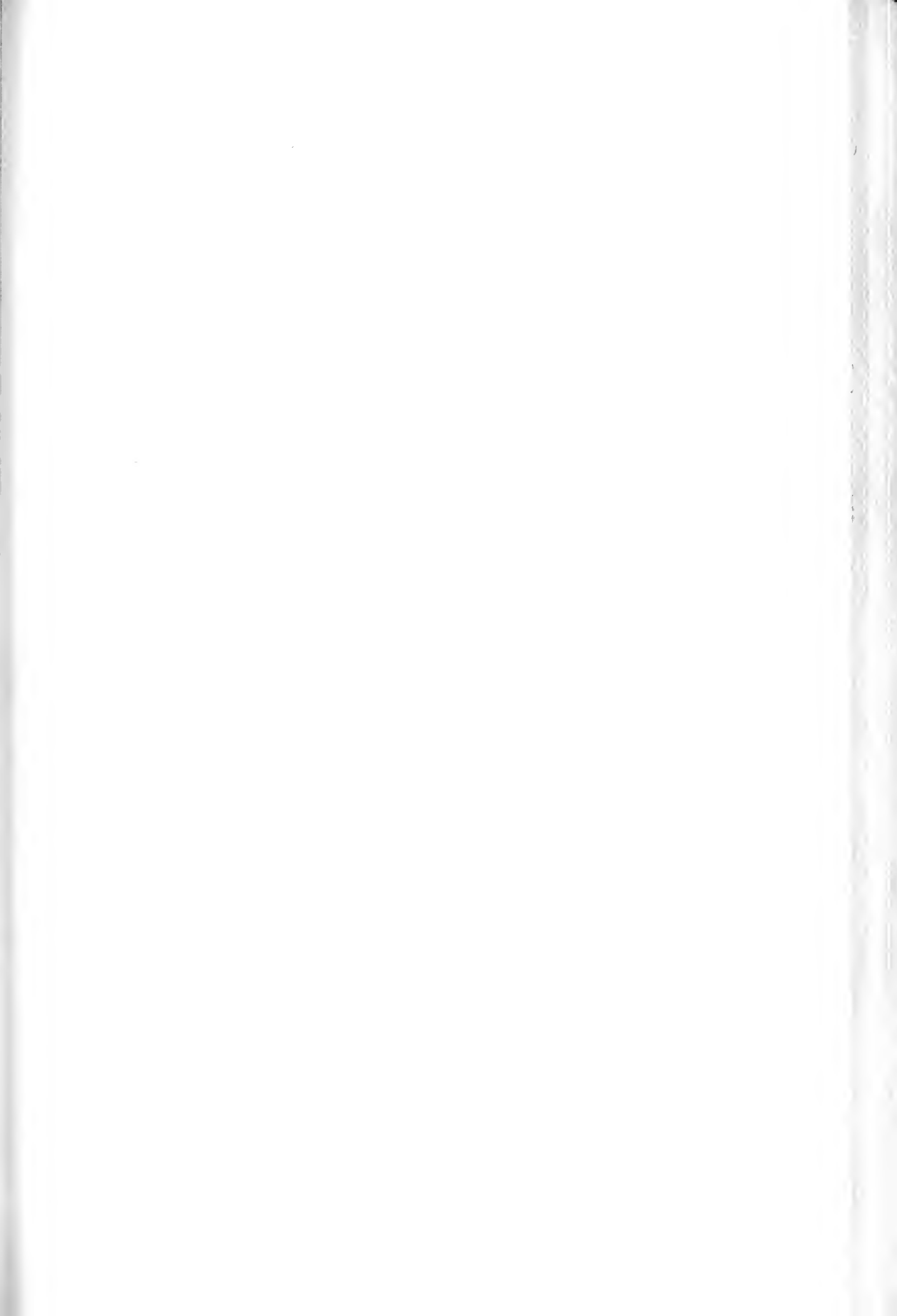
COMMENCING at a point in the easterly boundary of the said lot distant 612.98 feet measured northerly along the easterly boundary of the said lot from the south-east angle of said lot Three (3) which point is the north-east angle of the lands described in registered Instrument No. 4551; thence westerly and at right angles to the easterly boundary of said lot and on a bearing South $68^{\circ} 11'$ West along the northerly limit of the lands described in said registered Instrument No. 4551 and its production westerly a distance of 250 feet; thence northerly and parallel to the easterly limit of the said lot and on a bearing North $21^{\circ} 49'$ West a distance of 250 feet; thence easterly and parallel to the northerly limit of the lands described in the said registered Instrument No. 4551 and on a bearing North $68^{\circ} 11'$ East a distance of 250 feet to the easterly limit of the said lot; thence southerly and along the easterly limit of the said lot and on a bearing South $21^{\circ} 49'$ East a distance of 250 feet to the point of commencement.

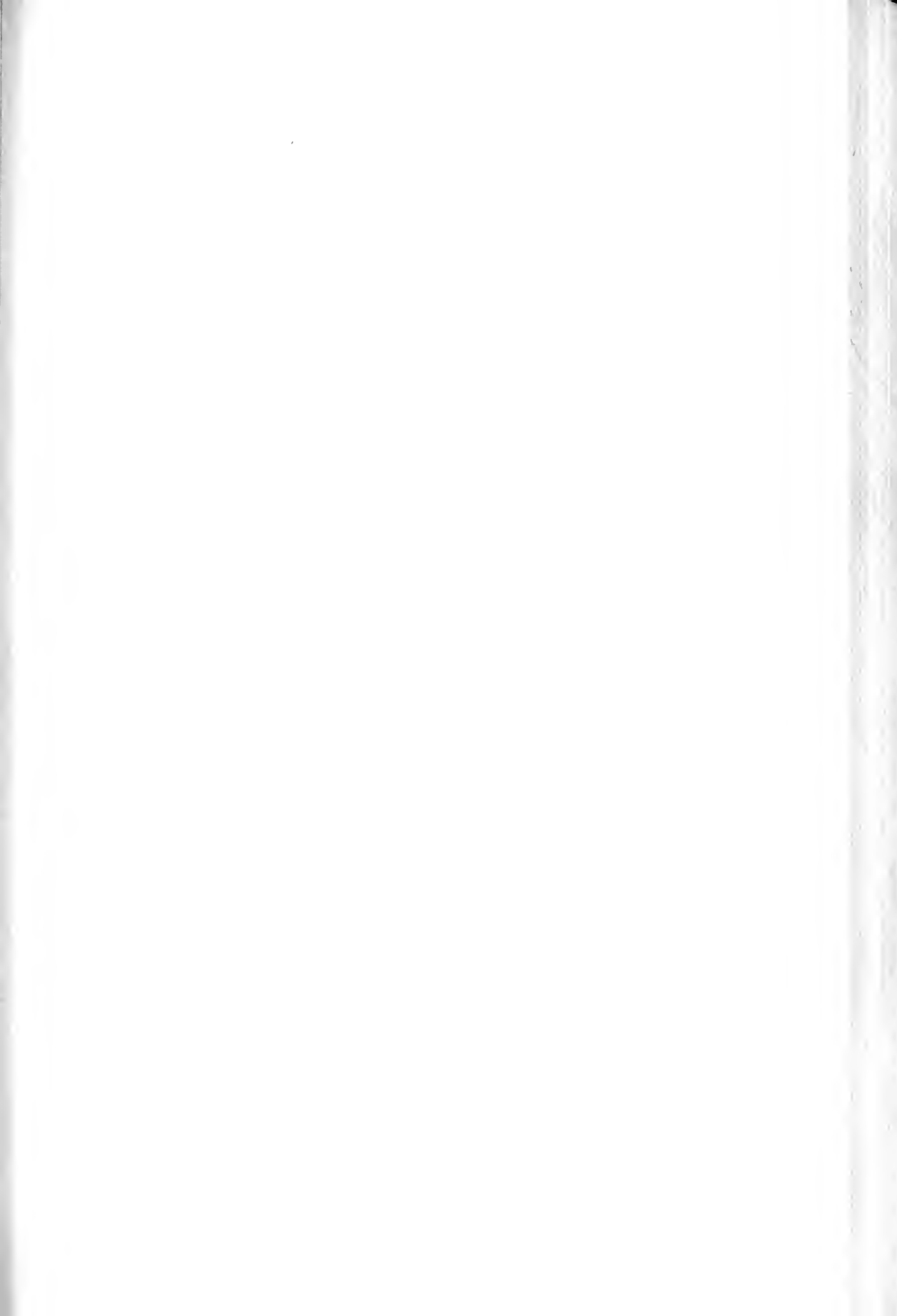
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BILL

An Act respecting
The Beechwood Cemetery Company
of the City of Ottawa

1st Reading

February 16th, 1956

2nd Reading

March 12th, 1956

3rd Reading

March 26th, 1956

MR. LAVERGNE

No. 28

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to incorporate Parkland Improvement Foundation

MR. MACAULAY

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act to incorporate Parkland Improvement Foundation

WHEREAS the persons named in section 1 by their ^{Preamble} petition have represented that it is desirable and in the public interest to create a perpetual body to receive, maintain, manage, control and use donations for charitable purposes within Ontario; and whereas the petitioners have prayed that special legislation be passed for such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. James Arthur Gairdner, of the Township of Toronto, in the County of Peel, John Smith Gairdner, of the Township of Trafalgar, in the County of Halton, and James Harland Gairdner, of the Township of Markham, in the County of York, and such other persons as hereafter become members of the body corporate hereby created, are hereby constituted a body politic and corporate under the name of Parkland Improvement Foundation, hereinafter called the Foundation. ^{Foundation incorporated}

2. The objects of the Foundation are, ^{Objects}

- (a) to receive, maintain, manage, control and use donations for charitable purposes within Ontario; and
- (b) to establish, maintain, improve and manage parks and recreational facilities within Ontario.

3.—(1) The three persons named in section 1 shall be the ^{First} first directors of the Foundation and shall hold office until ^{directors} their successors in office have been elected.

(2) The directors of the Foundation shall serve without ^{Remuneration} remuneration; provided that reasonable expenses incurred by a director in the performance of his duty may be paid.

Powers of
Foundation

4. The Foundation is hereby empowered,

- (a) to receive directly donations of, and hold, control and administer, real and personal property of every kind and description wherever situated;
- (b) to receive donations or the benefit of donations indirectly either by way of testamentary disposition or deed of trust or otherwise, and to use and expend or direct the using and expending of real or personal property of every kind and description, wherever situated, or the income therefrom;
- (c) except as hereinafter provided, to convert any property at any time and from time to time received and held by or on behalf of the Foundation into any other form and for that purpose to sell or cause and authorize the property to be sold, assigned, transferred, leased, exchanged or otherwise disposed of;
- (d) to pass on and entrust to one or more trust companies the custody and management of all or any part of the property at any time and from time to time received or held by the Foundation in such manner and in such proportions as the board of directors deems proper, and to enter into agreements with such trust companies with respect thereto;
- (e) to direct any trust company to manage and administer as a single fund and in such manner as the board of directors deems advisable any one or more donations held by such trust company for the purposes of the Foundation under any testamentary document or deed of trust or otherwise;
- (f) to hold lands or any interest therein acquired by purchase, lease, gift, devise or otherwise for such length of time as the board of directors in its sole discretion deems advisable notwithstanding any Act or law respecting mortmain and charitable uses or any other Act and notwithstanding that any such lands or interest therein are subject to a mortgage or other liability at the time of acquisition, and to assume any such mortgage or liability existing at the time of acquisition;
- (g) to lease any lands at any time held by the Foundation;
- (h) to pay and apply the net income in each year from all funds held directly or indirectly by it toward such charitable purposes within Ontario as it deems advisable;

- (i) to pay, apply and distribute such portion as it deems advisable of the capital of the funds, held directly or indirectly by it, to and for such charitable purposes within Ontario as it deems advisable; provided that, unless otherwise specifically provided by the donor of any sum or fund, not more than a total of 10 per cent of the balance of the capital of the sum or fund shall be so distributed during any period of four consecutive years, and provided further that no distribution of capital shall be made without the unanimous consent of all directors, given in person at a meeting of the board of directors or if not present at a meeting then in writing within the sixty days next after the meeting;
- (j) to direct and control the management and investment of all its funds in such investments as the board of directors may from time to time determine; provided that, where a trust company is specifically appointed as trustee of any fund by any testamentary document or deed of trust or otherwise, such trust company shall have the physical custody of such fund and, subject to the specific terms of any such document, shall invest and reinvest the same within the general policy of investment laid down by the board of directors; and provided further that the custody of all securities and the accounting therefor may be entrusted by the board of directors to one or more trust companies and thereupon any such trust company shall invest and reinvest the same within the general policy of investment laid down by the board of directors;
- (k) to retain any specific assets donated or bequeathed to the Foundation by any testamentary document or deed of trust or otherwise for such length of time as the board of directors in its sole discretion deems advisable and the Foundation and the members of the board of directors shall under no circumstances be liable, nor shall any trust company or other trustee acting on the instructions of the board of directors be liable, for any loss or damage that may be suffered by reason of the retention of any such assets as aforesaid;
- (l) to employ such person or persons, including trust companies, and to take such other action as it deems advisable for the more efficient carrying out of the purposes of the Foundation, and such employees may be paid such reasonable compensation out of, and the board of directors may charge the expenses

of any such other action to, the income or capital, or both, of the funds of the Foundation as the board of directors deems advisable;

- (m) to set aside, or in its discretion to refrain from setting aside, any part of the income received by it from securities taken or purchased as part of the funds of the Foundation at a premium, as a sinking fund to retire or amortize such premium, and to determine in its uncontrolled discretion in respect of all funds of the Foundation what shall be treated as income and what shall be treated as capital as to each respective transaction therein and to charge or apportion any losses or expenses to capital or income as it deems best;
- (n) to compromise, compound and adjust claims in favour of or against the property held or intended to be held by it, upon such terms and conditions as it deems just, expedient and proper.

Specific powers

5.—(1) The Foundation may accept donations either directly or indirectly subject to the condition that the income or capital or both thereof shall be paid and applied to a specific charitable purpose, either for a specific or an indefinite period of time.

Proviso

(2) Subsection 1 applies only if the donation is also subject to the condition that, after the expiration of a specific or indefinite period of time or at any time, there shall be a discretionary power vested in the board of directors to pay or apply the income or capital of the donation to some other charitable purpose or that, if the board of directors is satisfied that conditions are such as to render it impractical or inefficient to expend all or any part of such moneys for such specific purpose, then upon the unanimous approval of the members of the board of directors given either at a meeting or in writing within sixty days next after the meeting and within the limits of the discretionary power all or any part of such moneys may be paid and applied to such other charitable purposes as the board of directors deems advisable.

Idem

(3) If any such donation is made subject to the condition that the income or capital or both shall be paid and applied to a specific charitable organization for a specific period of time, and if such specific charitable organization ceases to exist within the specific period of time, then for the balance of the period the income or capital or both shall be applied to such other charitable purpose as is directed by a Judge of the Supreme Court in accordance with the laws in force from time to time in Ontario.

6. Any form of words is sufficient to constitute a donation ^{Form of words} for the purposes of this Act so long as the donor indicates an intention to contribute presently or prospectively to the Foundation.

7. The Foundation may accept a donation notwithstanding ^{Nature of donation} that some portion of the benefit of the donation is directed to be applied to charitable purposes outside Ontario, if such portion of the benefit of the funds is directed to be applied to charitable purposes within Canada.

8.—(1) Subject to subsection 2, all donations made directly ^{Treatment of donations} or indirectly to the Foundation may be treated for all purposes as a general fund.

(2) In the case of a donation of \$25,000 or more, the ^{Idem} donor may require that such donation be maintained as a separate fund, in which case in each year thereafter a separate accounting thereof shall be set out in the annual audited report.

9.—(1) The Foundation shall cause an audit to be made ^{Audit} at least once in every fiscal year, by an independent auditor who shall be either a Chartered Accountant or a Certified Public Accountant, of the receipts and disbursements of the funds of the Foundation.

(2) The audit shall include all assets held by the Foundation ^{Idem} or any trust company in its behalf, or held by any trustee in trust for the Foundation and, notwithstanding that any such funds may be held by a trustee pursuant to the provisions of a testamentary document or deed of trust, such trustee shall give an accounting thereof to the auditor of the Foundation in each year.

(3) The Foundation shall be subject in all respects to *The Charities Accounting Act*. ^{Application of R.S.O. 1950, c. 50}

10. Any power conferred on the Foundation by this Act ^{Limitation of powers} shall not be exercised in respect of any donation in contravention of any express provision to the contrary in the document of trust governing such donation.

11. Except where inconsistent with this Act, *The Corporations Act, 1953* shall apply to the Foundation. ^{Application of 1953, c. 19}

12. This Act comes into force on the day it receives Royal ^{Commencement} Assent.

13. This Act may be cited as *The Parkland Improvement Foundation Act, 1956*. ^{Short title}

BILL

An Act to incorporate
Parkland Improvement Foundation

1st Reading

February 16th, 1956

2nd Reading

3rd Reading

MR. MACAULAY

(*Private Bill*)

No. 29

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to incorporate Gairdner Charitable Foundation

MR. MACAULAY

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 29

1956

BILL

An Act to incorporate Gairdner Charitable Foundation

WHEREAS the persons named in section 1 by their ^{Preamble} petition have represented that it is desirable and in the public interest to create a perpetual body to receive, maintain, manage, control and use donations for charitable purposes within Ontario; and whereas the petitioners have prayed that special legislation be passed for such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. James Arthur Gairdner, of the Township of Toronto, ^{Foundation} in the County of Peel, John Smith Gairdner, of the Township ^{Incorporated} of Trafalgar, in the County of Halton, and James Harland Gairdner, of the Township of Markham, in the County of York, and such other persons as hereafter become members of the body corporate hereby created, are hereby constituted a body politic and corporate under the name of Gairdner Charitable Foundation, hereinafter called the Foundation.

2. The objects of the Foundation are to receive, maintain, ^{Objects} manage, control and use donations for charitable purposes within Ontario.

3.—(1) The three persons named in section 1 shall be the ^{First} first directors of the Foundation and shall hold office until ^{directors} their successors in office have been elected.

(2) The directors of the Foundation shall serve without ^{Remunera-} remuneration; provided that reasonable expenses incurred by ^{tion} a director in the performance of his duty may be paid.

4. The Foundation is hereby empowered, ^{Powers of} ^{Foundation}

(a) to receive directly donations of, and hold, control and administer, real and personal property of every kind and description wherever situated;

- (b) to receive donations or the benefit of donations indirectly either by way of testamentary disposition or deed of trust or otherwise, and to use and expend or direct the using and expending of real or personal property of every kind and description, wherever situated, or the income therefrom;
- (c) except as hereinafter provided, to convert any property at any time and from time to time received and held by or on behalf of the Foundation into any other form and for that purpose to sell or cause and authorize the property to be sold, assigned, transferred, leased, exchanged or otherwise disposed of;
- (d) to pass on and entrust to one or more trust companies the custody and management of all or any part of the property at any time and from time to time received or held by the Foundation in such manner and in such proportions as the board of directors deems proper, and to enter into agreements with such trust companies with respect thereto;
- (e) to direct any trust company to manage and administer as a single fund and in such manner as the board of directors deems advisable any one or more donations held by such trust company for the purposes of the Foundation under any testamentary document or deed of trust or otherwise;
- (f) to hold lands or any interest therein acquired by purchase, lease, gift, devise or otherwise for such length of time as the board of directors in its sole discretion deems advisable notwithstanding any Act or law respecting mortmain and charitable uses or any other Act and notwithstanding that any such lands or interest therein are subject to a mortgage or other liability at the time of acquisition, and to assume any such mortgage or liability existing at the time of acquisition;
- (g) to lease any lands at any time held by the Foundation;
- (h) to pay and apply the net income in each year from all funds held directly or indirectly by it toward such charitable purposes within Ontario as it deems advisable;
- (i) to pay, apply and distribute such portion as it deems advisable of the capital of the funds, held directly or indirectly by it, to and for such charitable purposes

within Ontario as it deems advisable; provided that, unless otherwise specifically provided by the donor of any sum or fund, not more than a total of 10 per cent of the balance of the capital of the sum or fund shall be so distributed during any period of four consecutive years, and provided further that no distribution of capital shall be made without the unanimous consent of all directors, given in person at a meeting of the board of directors or if not present at a meeting then in writing within the sixty days next after the meeting;

- (j) to direct and control the management and investment of all its funds in such investments as the board of directors may from time to time determine; provided that, where a trust company is specifically appointed as trustee of any fund by any testamentary document or deed of trust or otherwise, such trust company shall have the physical custody of such fund and, subject to the specific terms of any such document, shall invest and reinvest the same within the general policy of investment laid down by the board of directors; and provided further that the custody of all securities and the accounting therefor may be entrusted by the board of directors to one or more trust companies and thereupon any such trust company shall invest and reinvest the same within the general policy of investment laid down by the board of directors;
- (k) to retain any specific assets donated or bequeathed to the Foundation by any testamentary document or deed or trust or otherwise for such length of time as the board of directors in its sole discretion deems advisable and the Foundation and the members of the board of directors shall under no circumstances be liable, nor shall any trust company or other trustee acting on the instructions of the board of directors be liable, for any loss or damage that may be suffered by reason of the retention of any such assets as aforesaid;
- (l) to employ such person or persons, including trust companies, and to take such other action as it deems advisable for the more efficient carrying out of the purposes of the Foundation, and such employees may be paid such reasonable compensation out of, and the board of directors may charge the expenses of any such other action to, the income or capital, or both, of the funds of the Foundation as the board of directors deems advisable;

- (m) to set aside, or in its discretion to refrain from setting aside, any part of the income received by it from securities taken or purchased as part of the funds of the Foundation at a premium, as a sinking fund to retire or amortize such premium, and to determine in its uncontrolled discretion in respect of all funds of the Foundation what shall be treated as income and what shall be treated as capital as to each respective transaction therein and to charge or apportion any losses or expenses to capital or income as it deems best;
- (n) to compromise, compound and adjust claims in favour of or against the property held or intended to be held by it, upon such terms and conditions as it deems just, expedient and proper.

Specific
powers

5.—(1) The Foundation may accept donations either directly or indirectly subject to the condition that the income or capital or both thereof shall be paid and applied to a specific charitable purpose, either for a specific or an indefinite period of time.

Proviso

(2) Subsection 1 applies only if the donation is also subject to the condition that, after the expiration of a specific or indefinite period of time or at any time, there shall be a discretionary power vested in the board of directors to pay or apply the income or capital of the donation to some other charitable purpose or that, if the board of directors is satisfied that conditions are such as to render it impractical or inefficient to expend all or any part of such moneys for such specific purpose, then upon the unanimous approval of the members of the board of directors given either at a meeting or in writing within sixty days next after the meeting and within the limits of the discretionary power all or any part of such moneys may be paid and applied to such other charitable purposes as the board of directors deems advisable.

Idem

(3) If any such donation is made subject to the condition that the income or capital or both shall be paid and applied to a specific charitable organization for a specific period of time, and if such specific charitable organization ceases to exist within the specific period of time, then for the balance of the period the income or capital or both shall be applied to such other charitable purpose as is directed by a Judge of the Supreme Court in accordance with the laws in force from time to time in Ontario.

Form of
words

6. Any form of words is sufficient to constitute a donation for the purposes of this Act so long as the donor indicates an intention to contribute presently or prospectively to the Foundation.

7. The Foundation may accept a donation notwithstanding ^{Nature of donations} that some portion of the benefit of the donation is directed to be applied to charitable purposes outside Ontario, if such portion of the benefit of the funds is directed to be applied to charitable purposes within Canada.

8.—(1) Subject to subsection 2, all donations made directly ^{Treatment of donations} or indirectly to the Foundation may be treated for all purposes as a general fund.

(2) In the case of a donation of \$25,000 or more, the donor ^{Idem} may require that such donation be maintained as a separate fund, in which case in each year thereafter a separate accounting thereof shall be set out in the annual audited report.

9.—(1) The Foundation shall cause an audit to be made ^{Audit} at least once in every fiscal year, by an independent auditor who shall be either a Chartered Accountant or a Certified Public Accountant, of the receipts and disbursements of the funds of the Foundation.

(2) The audit shall include all assets held by the Foundation ^{Idem} or any trust company on its behalf, or held by any trustee in trust for the Foundation and, notwithstanding that any such funds may be held by a trustee pursuant to the provisions of a testamentary document or deed of trust, such trustee shall give an accounting thereof to the auditor of the Foundation in each year.

(3) The Foundation shall be subject in all respects to *The* ^{Application of R.S.O. 1950, c. 50} *Charities Accounting Act*.

10. Any power conferred on the Foundation by this Act ^{Limitation of powers} shall not be exercised in respect of any donation in contravention of any express provision to the contrary in the document of trust governing such donation.

11. Except where inconsistent with this Act, *The Corpora-* ^{Application of 1953, c. 19} *tions Act, 1953* shall apply to the Foundation.

12. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

13. This Act may be cited as *The Cairdner Charitable* ^{Short title} *Foundation Act, 1956*.

BILL

An Act to incorporate
Gairdner Charitable Foundation

1st Reading

February 16th, 1956

2nd Reading

3rd Reading

MR. MACAULAY

(Private Bill)

No. 30

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting
The Protestant Home of St. Catharines

MR. JOLLEY

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act respecting The Protestant Home of St. Catharines

WHEREAS The Protestant Home of St. Catharines by Preamble its petition has represented that the Ladies' Christian Association of St. Catharines was incorporated under *An Act* 1874, c. 34 *respecting Benevolent, Provident and other Societies*, being chapter 34 of the Acts passed in the thirty-seventh year of the reign of Her late Majesty, Queen Victoria, for the purpose of acquiring property for a home in the City of St. Catharines as a place of refuge for the poor and destitute and for the dispensation of relief to the needy; and whereas by *An Act* 1882, c. 83 *respecting the Ladies' Christian Association of St. Catharines*, being chapter 83 of the Acts passed in the forty-fifth year of the reign of Her late Majesty, Queen Victoria, the name of the Association was changed to The Protestant Home of St. Catharines and additional powers were granted to receive, care for and sustain children of tender years; and whereas the need for the activities of The Protestant Home of St. Catharines having ceased to exist, the real property having been sold and the proceeds paid into the Supreme Court of Ontario pursuant to an order of the Honourable Mr. Justice King, dated the 17th day of January, 1951; and whereas The Corporation of the City of St. Catharines and The Corporation of the County of Lincoln have entered into an agreement under *The Homes for the Aged Act, 1955* to establish 1955, c. 30 a joint home for the aged; and whereas the Board of Directresses of The Protestant Home of St. Catharines desires to turn over all its funds, including the said moneys paid into Court, to The Corporation of the City of St. Catharines to assist it in paying the City's share of the cost of the home for the aged; and whereas The Protestant Home of St. Catharines has prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. All the funds of The Protestant Home of St. Catharines, consisting of bonds, shares of stock and money, including the Funds of Protestant Home vested in St. Catharines

moneys paid into the Supreme Court of Ontario pursuant to an order thereof, dated the 17th day of January, 1951, and accrued interest thereon, are hereby vested in The Corporation of the City of St. Catharines.

Use of
funds

2. The council of The Corporation of the City of St. Catharines shall use the said funds and the proceeds thereof for the purpose of paying part of its share of the cost of a joint home for the aged to be established under an agreement entered into by The Corporation of the City of St. Catharines and The Corporation of the County of Lincoln under *The Homes for the Aged Act, 1955*.

1955, c. 30

Protestant
Home
dissolved

3. The Protestant Home of St. Catharines is hereby dissolved.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Protestant Home of St. Catharines Act, 1956*.

BILL

An Act respecting
The Protestant Home of St. Catharines

1st Reading

2nd Reading

3rd Reading

MR. JOLLEY

(*Private Bill*)

No. 30

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act respecting
The Protestant Home of St. Catharines

MR. JOLLEY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act respecting The Protestant Home of St. Catharines

WHEREAS The Protestant Home of St. Catharines by Preamble its petition has represented that the Ladies' Christian Association of St. Catharines was incorporated under *An Act* ^{1874, c. 34} *respecting Benevolent, Provident and other Societies*, being chapter 34 of the Acts passed in the thirty-seventh year of the reign of Her late Majesty, Queen Victoria, for the purpose of acquiring property for a home in the City of St. Catharines as a place of refuge for the poor and destitute and for the dispensation of relief to the needy; and whereas by *An Act* ^{1882, c. 83} *respecting the Ladies' Christian Association of St. Catharines*, being chapter 83 of the Acts passed in the forty-fifth year of the reign of Her late Majesty, Queen Victoria, the name of the Association was changed to The Protestant Home of St. Catharines and additional powers were granted to receive, care for and sustain children of tender years; and whereas the need for the activities of The Protestant Home of St. Catharines having ceased to exist, the real property having been sold and the proceeds paid into the Supreme Court of Ontario pursuant to an order of the Honourable Mr. Justice King, dated the 17th day of January, 1951; and whereas The Corporation of the City of St. Catharines and The Corporation of the County of Lincoln have entered into an agreement under *The Homes for the Aged Act, 1955* to establish ^{1955, c. 30} a joint home for the aged; and whereas the Board of Directresses of The Protestant Home of St. Catharines desires to turn over all its funds, including the said moneys paid into Court, to The Corporation of the City of St. Catharines to assist it in paying the City's share of the cost of the home for the aged; and whereas The Protestant Home of St. Catharines has prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. All the funds of The Protestant Home of St. Catharines, consisting of bonds, shares of stock and money, including the

Funds of
Protestant
Home
vested in
St.
Catharines

moneys paid into the Supreme Court of Ontario pursuant to an order thereof, dated the 17th day of January, 1951, and accrued interest thereon, are hereby vested in The Corporation of the City of St. Catharines.

Use of
funds

2. The council of The Corporation of the City of St. Catharines shall use the said funds and the proceeds thereof for the purpose of paying part of its share of the cost of a joint home for the aged to be established under an agreement entered into by The Corporation of the City of St. Catharines and The Corporation of the County of Lincoln under *The Homes for the Aged Act, 1955*.

1955, c. 30

Protestant
Home
dissolved

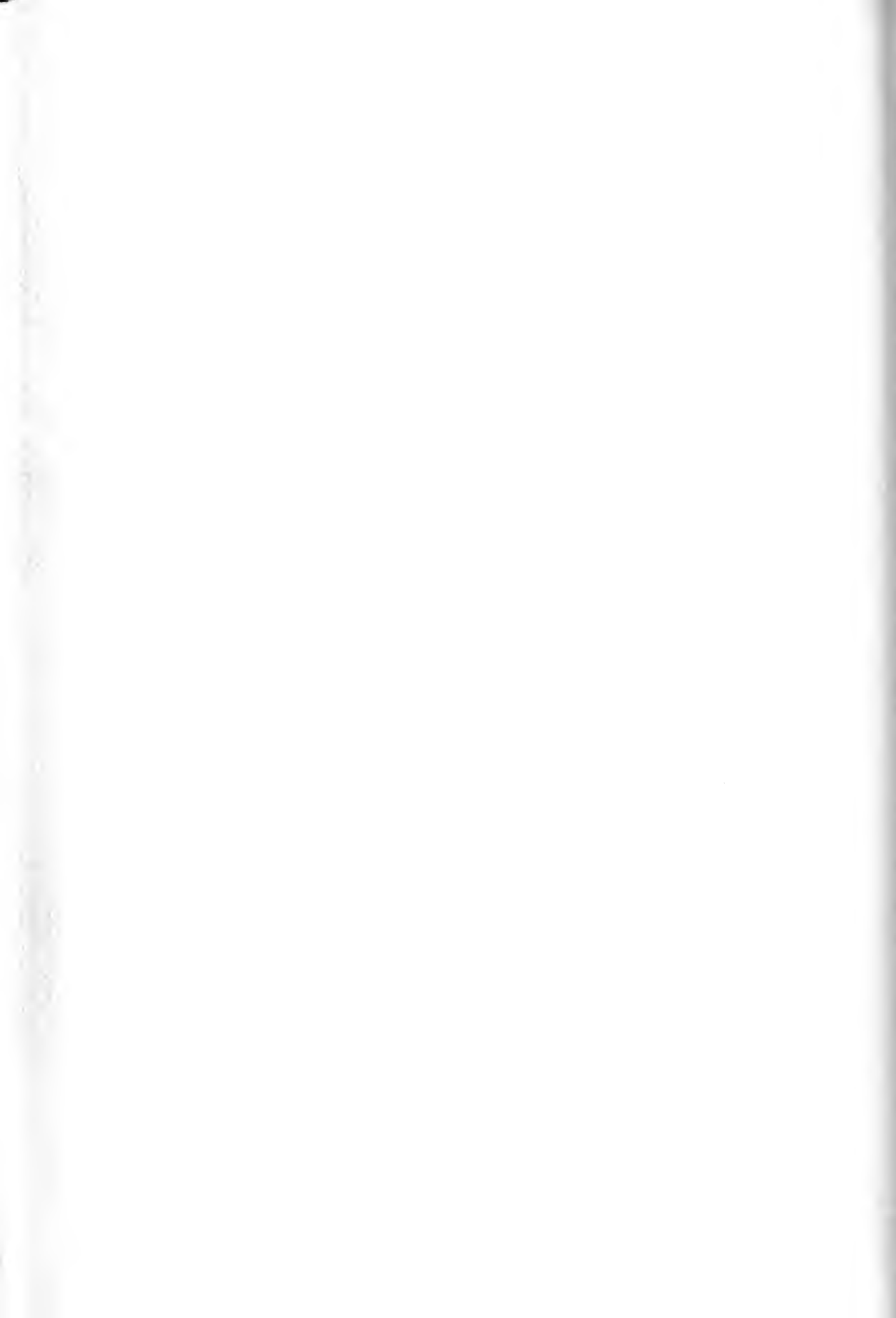
3. The Protestant Home of St. Catharines is hereby dissolved.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Protestant Home of St. Catharines Act, 1956*.



BILL

An Act respecting
The Protestant Home of St. Catharines

1st Reading

February 9th, 1956

2nd Reading

February 17th, 1956

3rd Reading

February 27th, 1956

MR. JOLLEY

No. 31

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

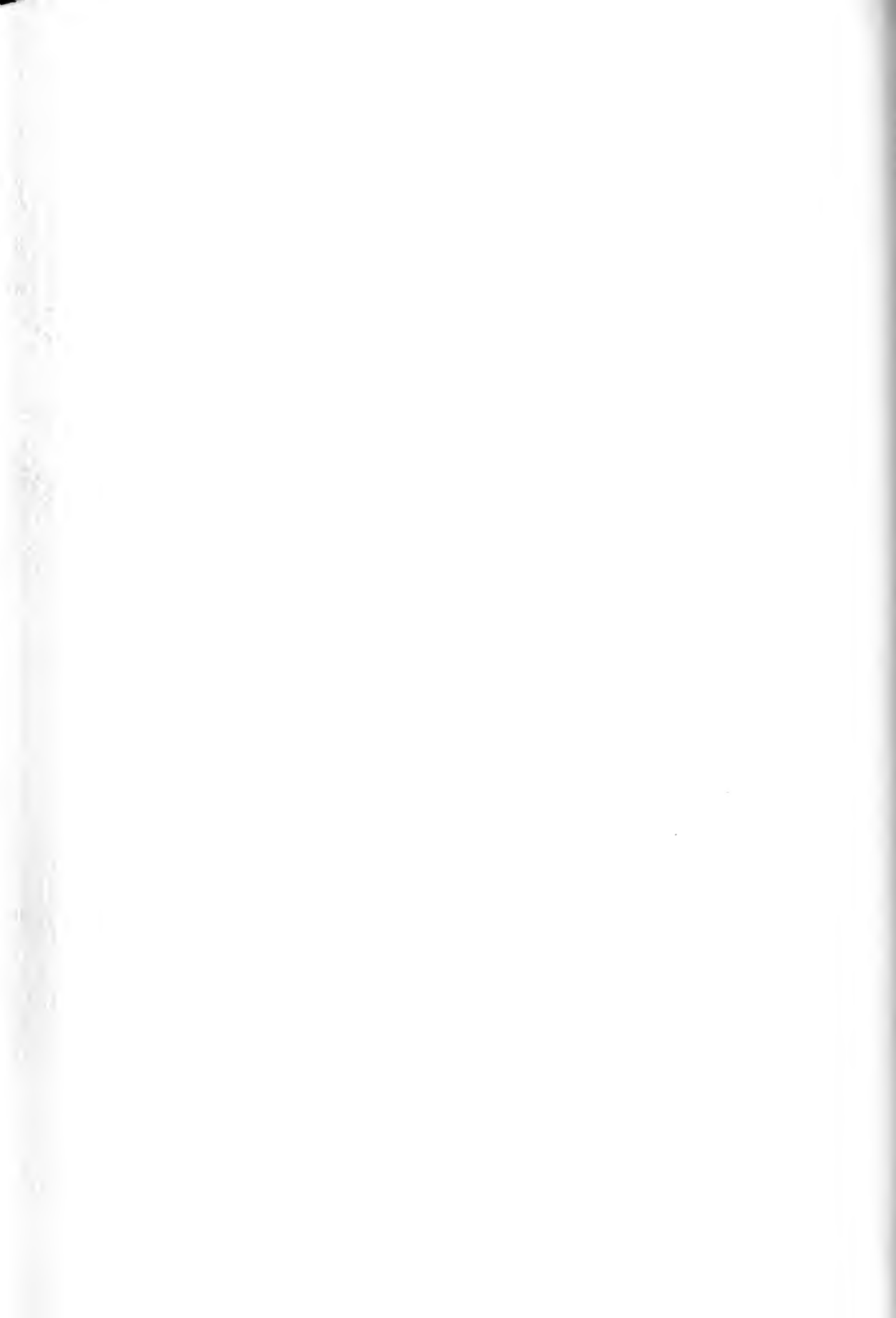
BILL

An Act respecting the Village of Richmond Hill

MR. MACKENZIE

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 31

1956

BILL

An Act respecting the Village of Richmond Hill

WHEREAS The Corporation of the Village of Richmond Hill by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The injunction granted in an action in the Supreme Court between Annie I. Stephens, plaintiff, and The Corporation of the Village of Richmond Hill, defendant, herein called the Corporation, restraining the Corporation from discharging or permitting to be discharged effluent or storm overflow from its sewerage system into the waters of a branch of the Don River and from polluting the said waters in any manner and from causing the said waters to be less pure than otherwise they would be, is dissolved.

Injunction dissolved

2. The Corporation is authorized and empowered and declared to have had the authority and power to construct and operate a system of sewerage and sewage disposal plants in the Village of Richmond Hill and the Township of Markham.

Sewerage system, etc., authorized

3. No action shall be commenced or maintained against the Corporation arising from the construction or operation of a sewerage system or a sewage disposal plant except for damages resulting from negligence in the construction or operation of such sewerage system or sewage disposal plant.

Actions against Corporation

4. This Act comes into force on the day it receives Royal Assent.

Commencement

5. This Act may be cited as *The Village of Richmond Hill Act, 1956*.

Short title

BILL

An Act respecting the
Village of Richmond Hill

1st Reading

February 16th, 1956

2nd Reading

3rd Reading

MR. MACKENZIE

(*Private Bill*)

No. 32

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the Town of Brampton

MR. KENNEDY

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Town of Brampton

WHEREAS The Corporation of the Town of Brampton, ^{Preamble} hereinafter called the Corporation, by its petition has represented that the Ontario Municipal Board by Order P.F.D. 1050, dated the 31st day of March, 1954, approved the borrowing of a sum not to exceed \$150,000 upon the credit of the Corporation for the purpose of acquiring, establishing, laying out and improving land where vehicles may be parked in the Town of Brampton; and that the Corporation has already acquired certain lands and made improvements thereon for the purposes aforesaid, but now requires additional funds for the completion of the undertaking; and that since the date of the said Order the majority of the occupants of lands and buildings deriving special benefit from the municipally-owned parking lots have requested the council of the Corporation to forego charging a fee for the use of the said parking lots, and to substitute therefor an annual charge against all occupants of lands and buildings within the area; and whereas the petitioner has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Corporation may pass a by-law ^{Debenture by-law authorized} without obtaining the further approval of the Ontario Municipal Board to borrow the sum of \$225,000, inclusive of the sum already approved by the Board, upon debentures made payable in not more than twenty years for the purpose of establishing municipal parking lots under *The Municipal Act*. ^{R.S.O. 1950, c. 243}

2.—(1) Instead of charging a fee for parking on such ^{Levy of parking lot cost and maintenance cost against defined area} municipal parking lots, the Corporation may pass a by-law with the approval of the Ontario Municipal Board to provide that one-half of the capital cost and maintenance cost of the parking lots shall be levied by an annual charge against the occupants of lands and buildings in a defined area in the

municipality, which in the opinion of the council of the Corporation derive special benefit therefrom, and the by-law shall have appended thereto a schedule establishing the portion of the capital cost and maintenance cost that shall be levied against each occupant of lands and buildings in the defined area.

Annual
charge

(2) The annual charge to be made against the occupants of lands and buildings in the defined area shall be a fixed percentage of the annual business tax payable by each occupant, provided that for the purposes of the by-law the business tax of each occupant shall be a sum equal to 30 per cent of the assessed value of the land occupied or used by such occupant in lieu of the percentage under section 6 of

R.S.O. 1950,
c. 24 *The Assessment Act.*

Notice of
application

(3) Before application is made to the Ontario Municipal Board for approval of the by-law, notice of the application shall be given by the council of the Corporation to each assessed occupant in the defined area.

Annual
charge
recoverable
as business
tax

(4) Every annual charge under this section shall be recoverable in the same manner as business taxes are recoverable under *The Assessment Act*.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Town of Brampton Act, 1956*.

BILL

An Act respecting
the Town of Brampton

1st Reading

February 16th, 1956

2nd Reading

3rd Reading

MR. KENNEDY

(*Private Bill*)

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the Town of Chelmsford

MR. BELISLE

(PRIVATE BILL)

No. 33

1956

BILL

An Act respecting the Town of Chelmsford

WHEREAS The Corporation of the Town of Chelmsford ^{Preamble} by its petition has represented that the Corporation has been required by the Chelmsford Public School Board to borrow the sum of \$45,000 by the issue of debentures for the purpose of paying for the construction of and the furnishing of a public school, and has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 563 of The Corporation of the Town of Chelmsford which was read a first and second time on the 7th day of November, 1955, set forth as the Schedule hereto, authorizing the issue of debentures of the Corporation in the principal amount of \$45,000 to pay the costs of constructing and furnishing a public school, is hereby declared to be a by-law duly passed by the council of the Corporation and is confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof. ^{By-law confirmed}
2. Sections 61, 62, 63 and 64 of *The Ontario Municipal Board Act* shall apply in respect of By-law No. 563 and the debentures to be issued thereunder. ^{Application of R.S.O. 1950, c. 262}
3. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
4. This Act may be cited as *The Town of Chelmsford Act*, ^{Short title} 1956.

SCHEDULE

THE CORPORATION OF THE TOWN OF CHELMSFORD

BY-LAW No. 563

A by-law to authorize the borrowing of \$45,000.00 upon debentures for the purpose of constructing a Public School.

WHEREAS the Chelmsford Public School District comprises the Town of Chelmsford and Part of the Township of Balfour;

AND WHEREAS The Chelmsford Public School Board of the Town of Chelmsford has applied to the Council of the Town of Chelmsford for the sum of \$45,000.00 to be raised by the issue of Municipal debentures for the purpose of constructing a Public School to serve the Town of Chelmsford and part of the Township of Balfour;

AND WHEREAS the Council of the Town of Chelmsford have by resolution approved the said application;

AND WHEREAS it is necessary and expedient that the Corporation of the Town of Chelmsford should raise the sum of Forty-five Thousand Dollars, by the issue of debentures and bearing interest at the rate set out in Schedule "A" hereto attached;

AND WHEREAS it is expedient that the Principal of the said debt shall be repayable in yearly instalments and interest in semi-yearly instalments during the years 1956 to 1975 both inclusive, in the respective amounts set forth in Schedule "A" hereto attached, the aggregate amount payable for the principal and interest in each year shall be nearly as possible the same, subject to the statutory proviso that each instalment of principal may be for an even \$100.00, \$500.00 or \$1,000.00 or multiple thereof, and that notwithstanding anything herein contained, the annual instalments of principal and interest may differ in amount sufficiently to admit thereof;

AND WHEREAS the amount of the whole rateable property of the municipality according to the last revised assessment roll thereof is \$579,113.00;

AND WHEREAS the amount of the existing debenture debt of the Corporation, is \$93,200.00, Ninety Three Thousand Two Hundred Dollars, of which no part of the principal or interest is in arrears;

THEREFORE The Council of the Town of Chelmsford enacts as follows:

1. For the purpose aforesaid the Corporation shall borrow upon the credit of the Corporation a sum of Forty-five Thousand Dollars, and shall issue debentures therefor in sums of not less than \$100.00 each. Each debenture shall bear interest at the rate of five per centum (5%) per annum, payable annually and shall have coupons attached thereto for the payment of such interest.
2. The debentures shall be dated the first day of December, 1955, and shall be made payable in twenty (20) annual instalments, interest payable semi-annually on the first day of June and the first day of December in each of the years 1956 to 1975, both inclusive, and the respective amounts of principal and interest payable in each of the said years shall be the amount so designated in Schedule "A" attached to and forming part of this By-law.
3. The debentures shall be made payable as to principal and interest in lawful money of Canada at the option of the Holder, at the Bank of Nova Scotia, Chelmsford, Toronto, Ottawa, Ontario, and at Montreal, Quebec.

4. The said debenture shall be sealed with the Seal of the Corporation and signed by the head of the council or by some other person authorized by by-law to sign the same, and by the Treasurer. The said interest coupons shall be signed by the Treasurer and his signature thereon may be written, stamped, lithographed, or engraved.

5. Commencing in the year 1956 and thereafter in each year in which an instalment of principal of the said debt and interest become due, the Corporation shall levy and raise the specific sum shown for the respective year in the fourth column on the said Schedule. Such sum shall be levied and raised by special rate sufficient therefor, over and above all other rates upon all the rateable property in the municipality assessed to Public School supporters.

6. The said debentures may contain a clause providing for the registration thereof pursuant to Section 335 of the Municipal Act.

7. Pending the Sale of the said debentures, the head of the Council and the Treasurer may raise for the purpose aforesaid by way of loan on such debentures, any sums of money not exceeding in all, the sum hereby authorized to be borrowed and may hypothecate such debentures for such loan.

8. The Corporation shall have the right, at its option to redeem the said debentures maturing in the last maturity only on any date prior to maturity at the places where and in the monies in which the said debentures are expressed to be payable, upon payment of the principal amount thereof, together with interest accrued to the date of redemption, and upon giving previous notice of said intention to redeem by advertising once in *The Ontario Gazette* and once in a daily newspaper of general provincial circulation, published in the City of Toronto, and once in a local newspaper, if any, such notice to be advertised as aforesaid, at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post at least thirty days prior to the date set forth such redemption to each person in whose name a debenture so to be redeemed is registered, at the address shown in the Debenture Registry Book.

READ A FIRST AND SECOND TIME this seventh day of November, A.D. 1955.

LEO VAILLANCOURT,
Mayor.

(SEAL)

J. O. HUNEAULT,
Clerk.

Schedule "A"

\$45,000.00

THE CORPORATION OF THE TOWN OF CHELMSFORD

DISTRICT OF SUDBURY

ONTARIO

5% Debentures

Dated: December 1st, 1955

Due: December 1, 1956-1975

	Principal	Semi- Annual Interest	Annual Payment	Balance
Dec. 1st, 1955. . . .				\$45,000.00
June 1st, 1956. . . .		\$ 1,125.00		
Dec. 1st, 1956. . . .	\$ 1,500.00	1,125.00	\$ 3,750.00	43,500.00
June 1st, 1957. . . .		1,087.50		
Dec. 1st, 1957. . . .	1,500.00	1,087.50	3,675.00	42,000.00
June 1st, 1958. . . .		1,050.00		
Dec. 1st, 1958. . . .	1,500.00	1,050.00	3,600.00	40,500.00
June 1st, 1959. . . .		1,012.50		
Dec. 1st, 1959. . . .	1,500.00	1,012.50	3,525.00	39,000.00
June 1st, 1960. . . .		975.00		
Dec. 1st, 1960. . . .	1,500.00	975.00	3,450.00	37,500.00
June 1st, 1961. . . .		937.50		
Dec. 1st, 1961. . . .	2,000.00	937.50	3,875.00	35,500.00
June 1st, 1962. . . .		887.50		
Dec. 1st, 1962. . . .	2,000.00	887.50	3,775.00	33,500.00
June 1st, 1963. . . .		837.50		
Dec. 1st, 1963. . . .	2,000.00	837.50	3,675.00	31,500.00
June 1st, 1964. . . .		787.50		
Dec. 1st, 1964. . . .	2,000.00	787.50	3,575.00	29,500.00
June 1st, 1965. . . .		737.50		
Dec. 1st, 1965. . . .	2,000.00	737.50	3,475.00	27,500.00
June 1st, 1966. . . .		687.50		
Dec. 1st, 1966. . . .	2,000.00	687.50	3,375.00	25,500.00
June 1st, 1967. . . .		637.50		
Dec. 1st, 1967. . . .	2,500.00	637.50	3,775.00	23,000.00
June 1st, 1968. . . .		575.00		
Dec. 1st, 1968. . . .	2,500.00	575.00	3,650.00	20,500.00
June 1st, 1969. . . .		512.50		
Dec. 1st, 1969. . . .	2,500.00	512.50	3,525.00	18,000.00
June 1st, 1970. . . .		450.00		
Dec. 1st, 1970. . . .	2,500.00	450.00	3,400.00	15,500.00
June 1st, 1971. . . .		387.50		
Dec. 1st, 1971. . . .	3,000.00	387.50	3,775.00	12,500.00
June 1st, 1972. . . .		312.50		
Dec. 1st, 1972. . . .	3,000.00	312.50	3,625.00	9,500.00
June 1st, 1973. . . .		237.50		
Dec. 1st, 1973. . . .	3,000.00	237.50	3,475.00	6,500.00
June 1st, 1974. . . .		162.50		
Dec. 1st, 1974. . . .	3,000.00	162.50	3,325.00	3,500.00
June 1st, 1975. . . .		87.50		
Dec. 1st, 1975. . . .	3,500.00	87.50	3,675.00
	<u>\$45,000.00</u>	<u>\$26,975.00</u>	<u>\$71,975.00</u>	<u>.....</u>

BILL

An Act respecting the
Town of Chelmsford

1st Reading

2nd Reading

3rd Reading

MR. BELSLIE

(*Private Bill*)

No. 33

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the Town of Chelmsford

MR. BELISLE

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 33

1956

BILL

An Act respecting the Town of Chelmsford

WHEREAS The Corporation of the Town of Chelmsford ^{Preamble} by its petition has represented that the Corporation has been required by the Chelmsford Public School Board to borrow the sum of \$45,000 by the issue of debentures for the purpose of paying for the construction of and the furnishing of a public school, and has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 563 of The Corporation of the Town of Chelmsford which was read a first and second time on the 7th day of November, 1955, set forth as the Schedule hereto, authorizing the issue of debentures of the Corporation in the principal amount of \$45,000 to pay the costs of constructing and furnishing a public school, is hereby declared to be a by-law duly passed by the council of the Corporation and is confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof. ^{By-law confirmed}

2. Sections 61, 62, 63 and 64 of *The Ontario Municipal Board Act* shall apply in respect of By-law No. 563 and the debentures to be issued thereunder. ^{Application of R.S.O. 1950, c. 262}

3. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

4. This Act may be cited as *The Town of Chelmsford Act*, ^{Short title} 1956.

SCHEDULE

THE CORPORATION OF THE TOWN OF CHELMSFORD

BY-LAW No. 563

A by-law to authorize the borrowing of \$45,000.00 upon debentures for the purpose of constructing a Public School.

WHEREAS the Chelmsford Public School District comprises the Town of Chelmsford and Part of the Township of Balfour;

AND WHEREAS The Chelmsford Public School Board of the Town of Chelmsford has applied to the Council of the Town of Chelmsford for the sum of \$45,000.00 to be raised by the issue of Municipal debentures for the purpose of constructing a Public School to serve the Town of Chelmsford and part of the Township of Balfour;

AND WHEREAS the Council of the Town of Chelmsford have by resolution approved the said application;

AND WHEREAS it is necessary and expedient that the Corporation of the Town of Chelmsford should raise the sum of Forty-five Thousand Dollars, by the issue of debentures and bearing interest at the rate set out in Schedule "A" hereto attached;

AND WHEREAS it is expedient that the Principal of the said debt shall be repayable in yearly instalments and interest in semi-yearly instalments during the years 1956 to 1975 both inclusive, in the respective amounts set forth in Schedule "A" hereto attached, the aggregate amount payable for the principal and interest in each year shall be nearly as possible the same, subject to the statutory proviso that each instalment of principal may be for an even \$100.00, \$500.00 or \$1,000.00 or multiple thereof, and that notwithstanding anything herein contained, the annual instalments of principal and interest may differ in amount sufficiently to admit thereof;

AND WHEREAS the amount of the whole rateable property of the municipality according to the last revised assessment roll thereof is \$579,113.00;

AND WHEREAS the amount of the existing debenture debt of the Corporation, is \$93,200.00, Ninety Three Thousand Two Hundred Dollars, of which no part of the principal or interest is in arrears;

THEREFORE The Council of the Town of Chelmsford enacts as follows:

1. For the purpose aforesaid the Corporation shall borrow upon the credit of the Corporation a sum of Forty-five Thousand Dollars, and shall issue debentures therefor in sums of not less than \$100.00 each. Each debenture shall bear interest at the rate of five per centum (5%) per annum, payable annually and shall have coupons attached thereto for the payment of such interest.

2. The debentures shall be dated the first day of December, 1955, and shall be made payable in twenty (20) annual instalments, interest payable semi-annually on the first day of June and the first day of December in each of the years 1956 to 1975, both inclusive, and the respective amounts of principal and interest payable in each of the said years shall be the amount so designated in Schedule "A" attached to and forming part of this By-law.

3. The debentures shall be made payable as to principal and interest in lawful money of Canada at the option of the Holder, at the Bank of Nova Scotia, Chelmsford, Toronto, Ottawa, Ontario, and at Montreal, Quebec.

4. The said debenture shall be sealed with the Seal of the Corporation and signed by the head of the council or by some other person authorized by by-law to sign the same, and by the Treasurer. The said interest coupons shall be signed by the Treasurer and his signature thereon may be written, stamped, lithographed, or engraved.

5. Commencing in the year 1956 and thereafter in each year in which an instalment of principal of the said debt and interest become due, the Corporation shall levy and raise the specific sum shown for the respective year in the fourth column on the said Schedule. Such sum shall be levied and raised by special rate sufficient therefor, over and above all other rates upon all the rateable property in the municipality assessed to Public School supporters.

6. The said debentures may contain a clause providing for the registration thereof pursuant to Section 335 of the Municipal Act.

7. Pending the Sale of the said debentures, the head of the Council and the Treasurer may raise for the purpose aforesaid by way of loan on such debentures, any sums of money not exceeding in all, the sum hereby authorized to be borrowed and may hypothecate such debentures for such loan.

8. The Corporation shall have the right, at its option to redeem the said debentures maturing in the last maturity only on any date prior to maturity at the places where and in the monies in which the said debentures are expressed to be payable, upon payment of the principal amount thereof, together with interest accrued to the date of redemption, and upon giving previous notice of said intention to redeem by advertising once in *The Ontario Gazette* and once in a daily newspaper of general provincial circulation, published in the City of Toronto, and once in a local newspaper, if any, such notice to be advertised as aforesaid, at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post at least thirty days prior to the date set forth such redemption to each person in whose name a debenture so to be redeemed is registered, at the address shown in the Debenture Registry Book.

READ A FIRST AND SECOND TIME this seventh day of November, A.D. 1955.

(SEAL)

LEO VAILLANCOURT,
Mayor.

J. O. HUNEULT,
Clerk.

Schedule "A"

\$45,000.00

THE CORPORATION OF THE TOWN OF CHELMSFORD

DISTRICT OF SUDBURY

ONTARIO

5% Debentures

Dated: December 1st, 1955

Due: December 1, 1956-1975

	Principal	Semi- Annual Interest	Annual Payment	Balance
Dec. 1st, 1955....				\$45,000.00
June 1st, 1956....		\$ 1,125.00		
Dec. 1st, 1956....	\$ 1,500.00	1,125.00	\$ 3,750.00	43,500.00
June 1st, 1957....		1,087.50		
Dec. 1st, 1957....	1,500.00	1,087.50	3,675.00	42,000.00
June 1st, 1958....		1,050.00		
Dec. 1st, 1958....	1,500.00	1,050.00	3,600.00	40,500.00
June 1st, 1959....		1,012.50		
Dec. 1st, 1959....	1,500.00	1,012.50	3,525.00	39,000.00
June 1st, 1960....		975.00		
Dec. 1st, 1960....	1,500.00	975.00	3,450.00	37,500.00
June 1st, 1961....		937.50		
Dec. 1st, 1961....	2,000.00	937.50	3,875.00	35,500.00
June 1st, 1962....		887.50		
Dec. 1st, 1962....	2,000.00	887.50	3,775.00	33,500.00
June 1st, 1963....		837.50		
Dec. 1st, 1963....	2,000.00	837.50	3,675.00	31,500.00
June 1st, 1964....		787.50		
Dec. 1st, 1964....	2,000.00	787.50	3,575.00	29,500.00
June 1st, 1965....		737.50		
Dec. 1st, 1965....	2,000.00	737.50	3,475.00	27,500.00
June 1st, 1966....		687.50		
Dec. 1st, 1966....	2,000.00	687.50	3,375.00	25,500.00
June 1st, 1967....		637.50		
Dec. 1st, 1967....	2,500.00	637.50	3,775.00	23,000.00
June 1st, 1968....		575.00		
Dec. 1st, 1968....	2,500.00	575.00	3,650.00	20,500.00
June 1st, 1969....		512.50		
Dec. 1st, 1969....	2,500.00	512.50	3,525.00	18,000.00
June 1st, 1970....		450.00		
Dec. 1st, 1970....	2,500.00	450.00	3,400.00	15,500.00
June 1st, 1971....		387.50		
Dec. 1st, 1971....	3,000.00	387.50	3,775.00	12,500.00
June 1st, 1972....		312.50		
Dec. 1st, 1972....	3,000.00	312.50	3,625.00	9,500.00
June 1st, 1973....		237.50		
Dec. 1st, 1973....	3,000.00	237.50	3,475.00	6,500.00
June 1st, 1974....		162.50		
Dec. 1st, 1974....	3,000.00	162.50	3,325.00	3,500.00
June 1st, 1975....		87.50		
Dec. 1st, 1975....	3,500.00	87.50	3,675.00
	<u>\$45,000.00</u>	<u>\$26,975.00</u>	<u>\$71,975.00</u>	<u>.....</u>

BILL

An Act respecting the
Town of Chelmsford

1st Reading

February 16th, 1956

2nd Reading

March 12th, 1956

3rd Reading

March 26th, 1956

MR. BELISLE

No. 34

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the Town of Chelmsford (No. 2)

MR. BELISLE

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 34

1956

BILL

An Act respecting the Town of Chelmsford (No. 2)

Preamble

WHEREAS The Corporation of the Town of Chelmsford by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 525 of The Corporation of the Town of Chelmsford, set forth as Schedule A hereto, which was read a first and second time on the 31st day of August, 1953, and finally passed on the 21st day of December, 1953, authorizing the construction of certain watermains, is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof. By-law confirmed

2. By-law No. 537 of The Corporation of the Town of Chelmsford, set forth as Schedule B hereto, which was read a first and second time on the 28th day of May, 1954, and finally passed on the 31st day of January, 1956, authorizing the borrowing of \$20,000 upon debentures for watermain extension purposes and the issuing of debentures therefor, is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof. By-law confirmed

3.—(1) Notwithstanding section 5 of By-law No. 537, Special assessments and rates validated

(a) the special assessments and rates set out in the special assessment roll, set forth as Schedule C hereto, shall be valid and binding upon all persons concerned and upon the lands specially assessed and the works in respect of which such special assessment roll has been made shall be conclusively deemed to have been lawfully undertaken;

(b) in each year of the currency of the debentures issued under such by-law the balance of the sum required to pay the annual debenture charges shall be collected and paid out of water works revenue.

Idem (2) All assessments made and rates charged during the years 1954 and 1955 shall be valid and binding upon all such persons and lands.

Application of R.S.O. 1950, c. 262 **4.** Sections 61, 62, 63 and 64 of *The Ontario Municipal Board Act* shall apply in respect of By-laws Nos. 525 and 537 and the debentures to be issued thereunder.

Commencement **5.** This Act comes into force on the day it receives Royal Assent.

Short title **6.** This Act may be cited as *The Town of Chelmsford Act, 1956 (No. 2)*.

SCHEDULE A

By-LAW No. 525

WHEREAS it has been duly declared by a Resolution dated the 13th day of July, 1953, passed by a vote of two-thirds of all members of the Council, desirable that the construction of the work hereinafter described shall be undertaken as a Local Improvement; and

WHEREAS notice of the intention of the Council to undertake such work was duly published more than twenty-one days prior to the passing of this By-law; and

WHEREAS the Council has procured to be made the reports, estimates and statements required for the undertaking of the said work;

THEREFORE the council of The Corporation of the Town of Chelmsford enacts as follows:

1. *Firstly:* That as so declared the following Watermain be constructed from the end of the present main on St. Joseph Street, south on Charette Street to Lots 248 and 249.

Secondly: From the end of the present main on Errington Street East on Gratton Street to Coté Street.

Thirdly: From Lot 239 on Errington Street South to Hill Street and thence east on Hill Street to Charette Street.

Fourthly: From St. Joseph Street south on Coté Street to Gratton Street.

All of which at an estimated total cost of \$18,380.00 of which the owners' share is estimated to be \$15,728.00 and the Corporation's share is \$2,652.00, as provided by plans and specifications furnished by the Engineer for the Corporation, as a Local Improvement, under provisions of *The Local Improvement Act*.

2. That the Engineer of the Corporation do forthwith make such plans, profiles and specifications and furnish such information as may be necessary for the carrying on and executing of the work by day labour.

3. The work shall be carried on and executed under the superintendence and according to the direction and orders of the Corporation's Engineer.

4. The Treasurer may, subject to the approval of the Council, agree with any Bank or person for temporary advances of money to meet the cost of the work pending the completion of it.

5. The Special Assessment shall be paid by fifteen annual instalments.

6. The debentures to be issued for the loan to be effected to pay for the cost of the work when completed shall bear interest at such rate as this Council may determine and be made payable within fifteen (15) years on the instalment plan.

7. Any person whose lot is specially assessed may commute for a payment in cash the special rates imposed thereon by paying the portion of the cost of construction assessed upon such lot, without the interest, forthwith after the special assessment roll has been certified by the Clerk, and at any time thereafter by the payment of such sum as when invested at five per cent per annum will provide an annuity sufficient to pay the special rates for the unexpired portion of the term as they fall due.

READ A FIRST AND SECOND TIME this thirty-first day of August,
A.D. 1953.

J. A. GRATTON,
Mayor.

(Seal)

J. O. HUNEALT,
Clerk.

Finally passed in Open Council this twenty-first day of December,
A.D. 1953.

J. A. GRATTON,
Mayor.

(Seal)

J. O. HUNEALT,
Clerk.

SCHEDULE B

By-LAW No. 537

THE CORPORATION OF THE TOWN OF CHELMSFORD

A By-law authorizing the borrowing of \$20,000.00
upon debentures for watermain extension purposes.

WHEREAS it is expedient to borrow for the construction of additional watermains in the Town of Chelmsford a sum not exceeding \$20,000.00 upon the credit of the corporation, to issue debentures therefor bearing interest at the rate of 5% per annum payable (semi-) annually and to provide for the discount and the expenses incidental to negotiation and sale of such debentures;

AND WHEREAS it is expedient to make the principal of the said debt repayable in annual instalments during the period of fifteen years next after the date of issue of such debentures, of such amounts respectively that, with the interest in respect of the debt, the aggregate amount payable for principal and interest in each year shall be, as nearly as possible, the same;

AND WHEREAS the amount of the whole rateable property of the municipality, according to the last revised assessment roll thereof is \$525,470.00;

AND WHEREAS the amount of the existing debenture debt of the Corporation, exclusive of local improvement debts secured by special rates or assessments, is \$105,931.00, and no part of the principal or interest of such debt is in arrear;

AND WHEREAS by Certificate No.-54-D-74 dated the 10th day of March, 1954, the Department of Health of Ontario has approved the purpose of the said borrowing;

AND WHEREAS by Order dated the 2nd day of April, 1954, the Ontario Municipal Board has approved the purpose of the said borrowing and the passing of all requisite by-laws, including debenture by-laws;

AND WHEREAS the Department of Municipal Affairs on December 18th, 1953, has approved the purpose of the said borrowing;

Therefore the Council of the Corporation of the Town of Chelmsford enacts as follows:

1. For the purpose aforesaid the Corporation shall borrow upon the credit of the Corporation a sum not exceeding \$20,000.00 and shall issue debentures therefor in sums of not less than \$50.00 each. Each

debenture shall bear interest at the rate of five percentum (5%) per annum payable (semi-) annually and shall have coupons attached thereto for the payment of such interest.

2. All the debentures shall bear the same date, shall be issued at one time and within two years after the day on which this By-law is passed, may bear any date within such two years and shall be made payable in annual instalments during the period of 15 years next after the date of issue thereof, and the respective amounts of principal and interest payable in each of such years shall be the amounts so designated in Schedule "A" hereto annexed.

3. The debentures shall be payable as to both principal and interest in lawful money of Canada and may be made payable at such place or places in Canada as shall be designated thereon.

4. The said debentures shall be sealed with the Seal of the Corporation and signed by the Head of the Council, or by some other person authorized by By-law to sign the same, and by the Treasurer. The said interest coupons shall be signed by the Treasurer and his signature thereon may be written, stamped, lithographed or engraved.

5. Commencing in the year 1956 and thereafter in each year in which an instalment of principal of the said debt and interest become due, the Corporation shall levy and raise the specific sum shown for the respective year in the Fourth column of the said Schedule. Such sum shall be levied and raised by a special rate sufficient therefor, over and above all other rates upon all the rateable property in the municipality.

6. The said debentures may contain a clause providing for the registration thereof pursuant to Section 335 of *The Municipal Act*.

7. Pending the sale of the said debentures, the Head of the Council and the Treasurer may raise for the purposes aforesaid by way of loan on such debentures any sum or sums of money not exceeding in all the sum hereby authorized to be borrowed and may hypothecate such debentures for such loan.

8. The Corporation shall have the right, at its option, to redeem the said debentures either in whole or in part on any date prior to maturity at the places where and in the moneys in which the said debentures are expressed to be payable, upon payment of the principal amount thereof together with interest accrued to the date of redemption and upon giving previous notice of said intention to redeem by advertising once in *The Ontario Gazette* and once in a daily newspaper of general provincial circulation, published in the City of Toronto, and once in a local newspaper, such notice to be advertised as aforesaid at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post at least thirty days prior to the date set for such redemption to each person in whose name a debenture so to be redeemed is registered at the address shown in the Debenture Registry Book. Where only a portion of the debentures of this issue is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debenture of this issue shall be called for such redemption in priority to any such debenture that has a later maturity date.

READ A FIRST AND SECOND TIME this 28th day of May, 1954.

J. A. GRATTON,
Mayor.

(Seal)

J. O. HUNEULT,
Clerk.

READ A THIRD TIME and finally passed this 31st day of January, 1956.

LEO VAILLANCOURT,
Mayor.

(Seal)

J. O. HUNEULT,
Clerk.

Schedule "A"

To By-Law No. 537

of the

CORPORATION OF THE TOWN OF CHELMSFORD

\$20,000.00

5%

Dated: May 1st, 1956

Due: May 1st, 1957-1971

	Principal	Semi- Annual Interest	Annual Payment	Balance
May 1st, 1956.....				\$20,000.00
Nov. 1st, 1956.....		\$ 500.00		
May 1st, 1957.....	\$ 1,000.00	500.00	\$ 2,000.00	19,000.00
Nov. 1st, 1957.....		475.00		
May 1st, 1958.....	1,000.00	475.00	1,950.00	18,000.00
Nov. 1st, 1958.....		450.00		
May 1st, 1959.....	1,000.00	450.00	1,900.00	17,000.00
Nov. 1st, 1959.....		425.00		
May 1st, 1960.....	1,000.00	425.00	1,850.00	16,000.00
Nov. 1st, 1960.....		400.00		
May 1st, 1961.....	1,000.00	400.00	1,800.00	15,000.00
Nov. 1st, 1961.....		375.00		
May 1st, 1962.....	1,000.00	375.00	1,750.00	14,000.00
Nov. 1st, 1962.....		350.00		
May 1st, 1963.....	1,000.00	350.00	1,700.00	13,000.00
Nov. 1st, 1963.....		325.00		
May 1st, 1964.....	1,000.00	325.00	1,650.00	12,000.00
Nov. 1st, 1964.....		300.00		
May 1st, 1965.....	1,500.00	300.00	2,100.00	10,500.00
Nov. 1st, 1965.....		262.00		
May 1st, 1966.....	1,500.00	263.00	2,025.00	9,000.00
Nov. 1st, 1966.....		225.00		
May 1st, 1967.....	1,500.00	225.00	1,950.00	7,500.00
Nov. 1st, 1967.....		187.00		
May 1st, 1968.....	1,500.00	188.00	1,875.00	6,000.00
Nov. 1st, 1968.....		150.00		
May 1st, 1969.....	2,000.00	150.00	2,300.00	4,000.00
Nov. 1st, 1969.....		100.00		
May 1st, 1970.....	2,000.00	100.00	2,200.00	2,000.00
Nov. 1st, 1970.....		50.00		
May 1st, 1971.....	2,000.00	50.00	2,100.00
	<u>\$20,000.00</u>	<u>\$9,150.00</u>	<u>\$29,150.00</u>	

SCHEDULE C

SPECIAL ASSESSMENT ROLL

From St. Joseph Street south on Charette Street to Lots 264-265. From Errington Avenue east on Gratton Street to Coté Avenue. From Lot 254 on Errington Avenue to Hill Street, thence on Hill Street to Charette Street. From St. Joseph Street south on Coté Avenue to Lot 250.

No. on Roll	Name	Con- dition	Lot	Street	No. feet front- age	Rate per foot	No. of Instal- ments
1.	Séguin, Aline.....	O	254-427	Errington	200'	25c.	15
2.	Séguin, Aline.....	O	246-239				
			238-231				
			230-223				
3.	Bolen, Nick.....	O	222-215				
4.	Vezeau, Florent....	O	214				
5.	Topalnesky, Maxwell	O	207				
6.	Brosseau, Armand...	O	206				
7.	Gaudette, Larry....	O	199				
8.	Desrosiers, Armand.	O	198				
9.	Harvey, James.....	O	191	Charette	50'	25c.	15
10.	Halowsky, Matthew.	O	190				
11.	Lavery, Andrew....	O	183-182-175				
12.	Bazzo, A. G.....	O	174				
13.	Morris, W. F.....	O	167				
14.	Bartoli, Ezio.....	O	166				
15.	Montpellier, Laurier.	O	158-159				
16.	Merrick, F. W.....	O	150-151				
17.	Rodrigue, Marcel...	O	135-142-143				
18.	Vaillancourt, A. B...	O	134				
19.	Bisson, Idorice....	O	127	Coté Ave.	50'	25c.	15
20.	Whalen, Luke.....	O	119-126				
21.	Mémard, René.....	O	110-111-118				
22.	Serré, Victor.....	O	103				
23.	Perreault, Julien...	O	104				
24.	R.C. Sep. School...	O	105				
25.	Vaillancourt, A. B...	O	108				
26.	Lavoie, Adelard....	O	109				
27.	Leroux, Olidor....	O	304				
28.	Villeneuve, Cyril...	O	305				
29.	Vaillancourt, Dorila.	O	296	Coté Ave.	50'	25c.	15
30.	Vaillancourt, Joffre.	O	288				
31.	Trottier, Philemon..	O	285				
32.	Lacelle, Aldas.....	O	281-284-289				
			292-297				
33.	Lalonde, Laurent...	O	293				
34.	Ranger, Olive.....	O	277-280				
35.	McIntyre, Hector...	O	276				
36.	Gareau, Liguori....	O	274				
37.	St. Aubin, Nestor...	O	273				
38.	Robert, Gilles.....	O	272				
39.	Ranger, Frank.....	O	269				
40.	Belisle, Emile.....	O	268				
41.	Gravelle, Roger....	O	265				
42.	Gravelle, Marie Anne	O	264				
43.	Brosseau, Arthur, Jr.	O	298 and 1/2 of	Coté Ave.	75'	25c.	15
			291				
44.	Charette, Léo.....	O	290 and 1/2 of				
			291				
45.	Lacelle, Aldas.....	O	282-283				
46.	Lafontaine, Ernest..	O	267				
47.	Lafontaine, Rhéal...	O	275				
48.	Roy, Jules.....	O	259-266				
49.	Gardner, Arthur....	O	258 and 1/2 of				
			251				
50.	Sauvé, Claude.....	O	250 and 1/2 of				
			251				

BILL

An Act respecting the
Town of Chelmsford (No. 2)

1st Reading

February 16th, 1956

2nd Reading

3rd Reading

MR. BELISLE

(*Private Bill*)

No. 34

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the Town of Chelmsford (No. 2)

MR. BELISLE

(Reprinted as amended by the Committee on Private Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 34

1956

BILL

An Act respecting the Town of Chelmsford (No. 2)

WHEREAS The Corporation of the Town of Chelmsford ^{Preamble} by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 525 of The Corporation of the Town of Chelmsford, set forth as Schedule A hereto, which was read a first and second time on the 31st day of August, 1953, and finally passed on the 21st day of December, 1953, authorizing the construction of certain watermains, is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof. ^{By-law confirmed}

2. By-law No. 537 of The Corporation of the Town of Chelmsford, set forth as Schedule B hereto, which was read a first and second time on the 28th day of May, 1954, and finally passed on the 31st day of January, 1956, authorizing the borrowing of \$20,000 upon debentures for watermain extension purposes and the issuing of debentures therefor, is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof. ^{By-law confirmed}

3.—(1) Notwithstanding section 5 of By-law No. 537, ^{Special assessments and rates validated}

- (a) the special assessments and rates set out in the special assessment roll, set forth as Schedule C hereto, shall be valid and binding upon all persons concerned and upon the lands specially assessed and the works in respect of which such special assessment roll has been made shall be conclusively deemed to have been lawfully undertaken;
- (b) in each year of the currency of the debentures issued under such by-law the balance of the sum required to pay the annual debenture charges shall be collected and paid out of water works revenue.

- Idem** (2) All assessments made and rates charged during the years 1954 and 1955 shall be valid and binding upon all such persons and lands.
- Application of R.S.O. 1950, c. 262** **4.** Sections 61, 62, 63 and 64 of *The Ontario Municipal Board Act* shall apply in respect of By-laws Nos. 525 and 537 and the debentures to be issued thereunder.
- Lands annexed** **5.**—(1) The lands described in Schedule D hereto shall be deemed to have been annexed to and to have formed part of the Town of Chelmsford for all purposes from and after the 7th day of June, 1927.
- Assessments, etc., confirmed** (2) All assessments made and rates charged or collected by The Corporation of the Town of Chelmsford with respect to such lands are hereby confirmed and declared to be legal, valid and binding.
- Tax sales confirmation** (3) All sales of land within the area annexed to the Town of Chelmsford by this section purporting to have been made by The Corporation of the Town of Chelmsford for arrears of taxes purported to have been payable to the Corporation with respect to the lands so sold are hereby confirmed and declared to be legal, valid and binding.
- Appeals preserved R.S.O. 1950, c. 24** (4) Nothing in this section shall deprive any person of any right of appeal provided under *The Assessment Act*.
- Commencement** **6.** This Act comes into force on the day it receives Royal Assent.
- Short title** **7.** This Act may be cited as *The Town of Chelmsford Act, 1956 (No. 2)*.

SCHEDULE A

By-Law No. 525

WHEREAS it has been duly declared by a Resolution dated the 13th day of July, 1953, passed by a vote of two-thirds of all members of the Council, desirable that the construction of the work hereinafter described shall be undertaken as a Local Improvement; and

WHEREAS notice of the intention of the Council to undertake such work was duly published more than twenty-one days prior to the passing of this By-law; and

WHEREAS the Council has procured to be made the reports, estimates and statements required for the undertaking of the said work;

THEREFORE the council of The Corporation of the Town of Chelmsford enacts as follows:

1. *Firstly:* That as so declared the following Watermain be constructed from the end of the present main on St. Joseph Street, south on Charette Street to Lots 248 and 249.

Secondly: From the end of the present main on Errington Street East on Gratton Street to Coté Street.

Thirdly: From Lot 239 on Errington Street South to Hill Street and thence east on Hill Street to Charette Street.

Fourthly: From St. Joseph Street south on Coté Street to Gratton Street.

All of which at an estimated total cost of \$18,380.00 of which the owners' share is estimated to be \$15,728.00 and the Corporation's share is \$2,652.00, as provided by plans and specifications furnished by the Engineer for the Corporation, as a Local Improvement, under provisions of *The Local Improvement Act*.

2. That the Engineer of the Corporation do forthwith make such plans, profiles and specifications and furnish such information as may be necessary for the carrying on and executing of the work by day labour.

3. The work shall be carried on and executed under the superintendence and according to the direction and orders of the Corporation's Engineer.

4. The Treasurer may, subject to the approval of the Council, agree with any Bank or person for temporary advances of money to meet the cost of the work pending the completion of it.

5. The Special Assessment shall be paid by fifteen annual instalments.

6. The debentures to be issued for the loan to be effected to pay for the cost of the work when completed shall bear interest at such rate as this Council may determine and be made payable within fifteen (15) years on the instalment plan.

7. Any person whose lot is specially assessed may commute for a payment in cash the special rates imposed thereon by paying the portion of the cost of construction assessed upon such lot, without the interest, forthwith after the special assessment roll has been certified by the Clerk, and at any time thereafter by the payment of such sum as when invested at five per cent per annum will provide an annuity sufficient to pay the special rates for the unexpired portion of the term as they fall due.

READ A FIRST AND SECOND TIME this thirty-first day of August,
A.D. 1953.

J. A. GRATTON,
Mayor.

(Seal)

J. O. HUNEALT,
Clerk.

Finally passed in Open Council this twenty-first day of December,
A.D. 1953.

J. A. GRATTON,
Mayor.

(Seal)

J. O. HUNEALT,
Clerk.

SCHEDULE B

BY-LAW No. 537

THE CORPORATION OF THE TOWN OF CHELMSFORD

A By-law authorizing the borrowing of \$20,000.00
upon debentures for watermain extension purposes.

WHEREAS it is expedient to borrow for the construction of additional watermains in the Town of Chelmsford a sum not exceeding \$20,000.00 upon the credit of the corporation, to issue debentures therefor bearing interest at the rate of 5% per annum payable (semi-) annually and to provide for the discount and the expenses incidental to negotiation and sale of such debentures;

AND WHEREAS it is expedient to make the principal of the said debt repayable in annual instalments during the period of fifteen years next after the date of issue of such debentures, of such amounts respectively that, with the interest in respect of the debt, the aggregate amount payable for principal and interest in each year shall be, as nearly as possible, the same;

AND WHEREAS the amount of the whole rateable property of the municipality, according to the last revised assessment roll thereof is \$525,470.00;

AND WHEREAS the amount of the existing debenture debt of the Corporation, exclusive of local improvement debts secured by special rates or assessments, is \$105,931.00, and no part of the principal or interest of such debt is in arrear;

AND WHEREAS by Certificate No.-54-D-74 dated the 10th day of March, 1954, the Department of Health of Ontario has approved the purpose of the said borrowing;

AND WHEREAS by Order dated the 2nd day of April, 1954, the Ontario Municipal Board has approved the purpose of the said borrowing and the passing of all requisite by-laws, including debenture by-laws;

AND WHEREAS the Department of Municipal Affairs on December 18th 1953, has approved the purpose of the said borrowing;

Therefore the Council of the Corporation of the Town of Chelmsford enacts as follows:

1. For the purpose aforesaid the Corporation shall borrow upon the credit of the Corporation a sum not exceeding \$20,000.00 and shall issue debentures therefor in sums of not less than \$50.00 each. Each

debenture shall bear interest at the rate of five per centum (5%) per annum payable (semi-) annually and shall have coupons attached thereto for the payment of such interest.

2. All the debentures shall bear the same date, shall be issued at one time and within two years after the day on which this By-law is passed, may bear any date within such two years and shall be made payable in annual instalments during the period of 15 years next after the date of issue thereof, and the respective amounts of principal and interest payable in each of such years shall be the amounts so designated in Schedule "A" hereto annexed.

3. The debentures shall be payable as to both principal and interest in lawful money of Canada and may be made payable at such place or places in Canada as shall be designated thereon.

4. The said debentures shall be sealed with the Seal of the Corporation and signed by the Head of the Council, or by some other person authorized by By-law to sign the same, and by the Treasurer. The said interest coupons shall be signed by the Treasurer and his signature thereon may be written, stamped, lithographed or engraved.

5. Commencing in the year 1956 and thereafter in each year in which an instalment of principal of the said debt and interest become due, the Corporation shall levy and raise the specific sum shown for the respective year in the Fourth column of the said Schedule. Such sum shall be levied and raised by a special rate sufficient therefor, over and above all other rates upon all the rateable property in the municipality.

6. The said debentures may contain a clause providing for the registration thereof pursuant to Section 335 of *The Municipal Act*.

7. Pending the sale of the said debentures, the Head of the Council and the Treasurer may raise for the purposes aforesaid by way of loan on such debentures any sum or sums of money not exceeding in all the sum hereby authorized to be borrowed and may hypothecate such debentures for such loan.

8. The Corporation shall have the right, at its option, to redeem the said debentures either in whole or in part on any date prior to maturity at the places where and in the moneys in which the said debentures are expressed to be payable, upon payment of the principal amount thereof together with interest accrued to the date of redemption and upon giving previous notice of said intention to redeem by advertising once in *The Ontario Gazette* and once in a daily newspaper of general provincial circulation, published in the City of Toronto, and once in a local newspaper, such notice to be advertised as aforesaid at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post at least thirty days prior to the date set for such redemption to each person in whose name a debenture so to be redeemed is registered at the address shown in the Debenture Registry Book. Where only a portion of the debentures of this issue is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debenture of this issue shall be called for such redemption in priority to any such debenture that has a later maturity date.

READ A FIRST AND SECOND TIME this 28th day of May, 1954.

J. A. GRATTON,
Mayor.

(Seal)

J. O. HUNEAULT,
Clerk.

READ A THIRD TIME and finally passed this 31st day of January, 1956.

LEO VAILLANCOURT,
Mayor.

(Seal)

J. O. HUNEAULT,
Clerk.

Schedule "A"

To By-Law No. 537

of the

CORPORATION OF THE TOWN OF CHELMSFORD

\$20,000.00

5%

Dated: May 1st, 1956

Due: May 1st, 1957-1971

	Principal	Semi- Annual Interest	Annual Payment	Balance
May 1st, 1956.....				\$20,000.00
Nov. 1st, 1956.....		\$ 500.00		
May 1st, 1957.....	\$ 1,000.00	500.00	\$ 2,000.00	19,000.00
Nov. 1st, 1957.....		475.00		
May 1st, 1958.....	1,000.00	475.00	1,950.00	18,000.00
Nov. 1st, 1958.....		450.00		
May 1st, 1959.....	1,000.00	450.00	1,900.00	17,000.00
Nov. 1st, 1959.....		425.00		
May 1st, 1960.....	1,000.00	425.00	1,850.00	16,000.00
Nov. 1st, 1960.....		400.00		
May 1st, 1961.....	1,000.00	400.00	1,800.00	15,000.00
Nov. 1st, 1961.....		375.00		
May 1st, 1962.....	1,000.00	375.00	1,750.00	14,000.00
Nov. 1st, 1962.....		350.00		
May 1st, 1963.....	1,000.00	350.00	1,700.00	13,000.00
Nov. 1st, 1963.....		325.00		
May 1st, 1964.....	1,000.00	325.00	1,650.00	12,000.00
Nov. 1st, 1964.....		300.00		
May 1st, 1965.....	1,500.00	300.00	2,100.00	10,500.00
Nov. 1st, 1965.....		262.00		
May 1st, 1966.....	1,500.00	263.00	2,025.00	9,000.00
Nov. 1st, 1966.....		225.00		
May 1st, 1967.....	1,500.00	225.00	1,950.00	7,500.00
Nov. 1st, 1967.....		187.00		
May 1st, 1968.....	1,500.00	188.00	1,875.00	6,000.00
Nov. 1st, 1968.....		150.00		
May 1st, 1969.....	2,000.00	150.00	2,300.00	4,000.00
Nov. 1st, 1969.....		100.00		
May 1st, 1970.....	2,000.00	100.00	2,200.00	2,000.00
Nov. 1st, 1970.....		50.00		
May 1st, 1971.....	2,000.00	50.00	2,100.00
	<u>\$20,000.00</u>	<u>\$9,150.00</u>	<u>\$29,150.00</u>	

SCHEDULE C

SPECIAL ASSESSMENT ROLL

From St. Joseph Street south on Charette Street to Lots 264-265. From Errington Avenue east on Gratton Street to Coté Avenue. From Lot 254 on Errington Avenue to Hill Street, thence on Hill Street to Charette Street. From St. Joseph Street south on Coté Avenue to Lot 250.

No. on Roll	Name	Con- dition	Lot	Street	No. feet front- age	Rate per foot	No. of Instal- ments
1.	Séguin, Aline.	O	254-427	Errington	200'	25c.	15
2.	Séguin, Aline.	O	246-239 238-231 230-223				
3.	Bolen, Nick.	O	222-215		200'	25c.	15
4.	Vezeau, Florent.	O	214		100'	25c.	15
5.	Topalnesky, Maxwell.	O	207		50'	25c.	15
6.	Brosseau, Armand.	O	206		50'	25c.	15
7.	Gaudette, Larry.	O	199		50'	25c.	15
8.	Desrosiers, Armand.	O	198		50'	25c.	15
9.	Harvey, James.	O	191		50'	25c.	15
10.	Halowsky, Matthew.	O	190		50'	25c.	15
11.	Lavery, Andrew.	O	183-182-175	Charette	150'	25c.	15
12.	Bazzo, A. G.	O	174		50'	25c.	15
13.	Morris, W. F.	O	167		50'	25c.	15
14.	Bartoli, Ezio.	O	166		50'	25c.	15
15.	Montpellier, Laurier.	O	158-159		100'	25c.	15
16.	Merrick, F. W.	O	150-151		100'	25c.	15
17.	Rodrigue, Marcel.	O	135-142-143		150'	25c.	15
18.	Vaillancourt, A. B.	O	134		50'	25c.	15
19.	Bisson, Idorice.	O	127		50'	25c.	15
20.	Whalen, Luke.	O	119-126		100'	25c.	15
21.	Mémard, René.	O	110-111-118	Coté Ave.	150'	25c.	15
22.	Serré, Victor.	O	103		50'	25c.	15
23.	Perreault, Julien.	O	104		50'	25c.	15
24.	R.C. Sep. School.	O	105		50'	25c.	15
25.	Vaillancourt, A. B.	O	108		50'	25c.	15
26.	Lavoie, Adelard.	O	109		50'	25c.	15
27.	Leroux, Olidor.	O	304		100'	15c.	15
28.	Villeneuve, Cyril.	O	305		100'	15c.	15
29.	Vaillancourt, Dorila.	O	296		50'	25c.	15
30.	Vaillancourt, Joffre.	O	288		50'	25c.	15
31.	Trottier, Philemon.	O	285	Coté Ave.	50'	25c.	15
32.	Lacelle, Aldas.	O	281-284-289 292-297		250'	25c.	15
33.	Lalonde, Laurent.	O	293		50'	25c.	15
34.	Ranger, Olive.	O	277-280		100'	25c.	15
35.	McIntyre, Hector.	O	276		50'	25c.	15
36.	Gareau, Liguori.	O	274		50'	25c.	15
37.	St. Aubin, Nestor.	O	273		50'	25c.	15
38.	Robert, Gilles.	O	272		50'	25c.	15
39.	Ranger, Frank.	O	269		50'	25c.	15
40.	Belisle, Emile.	O	268		50'	25c.	15
41.	Gravelle, Roger.	O	265	Coté Ave.	50'	25c.	15
42.	Gravelle, Marie-Anne.	O	264		50'	25c.	15
43.	Brosseau, Arthur, Jr.	O	298 and $\frac{1}{2}$ of 291		75'	25c.	15
44.	Charette, Léo.	O	290 and $\frac{1}{2}$ of 291		75'	25c.	15
45.	Lacelle, Aldas.	O	282-283		100'	25c.	15
46.	Lafontaine, Ernest.	O	267		50'	25c.	15
47.	Lafontaine, Rhéal.	O	275		50'	25c.	15
48.	Roy, Jules.	O	259-266		100'	25c.	15
49.	Gardner, Arthur.	O	258 and $\frac{1}{2}$ of 251		75'	25c.	15
50.	Sauvé, Claude.	O	250 and $\frac{1}{2}$ of 251		75'	25c.	15

SCHEDULE D

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Balfour, in the District of Sudbury and Province of Ontario, being composed of:

Firstly: Part of the west half of the east half of Lot 2, Concession 3 of the said Township.

Secondly: Part of the plan registered in the Office of Land Titles at Sudbury as Registered Plan M-91.

The firstly and secondly mentioned parcels may be more particularly described as follows:

Firstly:

Commencing at a point in the easterly limit of the west half of the east half of said Lot 2, where the same is intersected by the northerly limit of the Sudbury-Levack Highway, according to Department of Highways Plan P-2501-3, which point may be located by beginning at the southwest angle of said Lot 2;

Thence easterly along the southerly limit of said Lot 2, 2,041.54 feet more or less to the limit between the east and west half of the east half of said Lot 2;

Thence northerly along the last mentioned limit, 50 feet to the point of commencement;

Thence continuing northerly along the last mentioned limit to its intersection with the limit between the north and south halves of said Lot 2, said limit being the southerly boundary of the Town of Chelmsford;

Thence westerly along the last mentioned boundary to its intersection with the easterly limit of Cote Avenue, according to plan registered in the Office of Land Titles at Sudbury as Registered Plan M-91;

Thence southerly along the said easterly limit of Cote Avenue to the said northerly limit of the Sudbury-Levack Highway;

Thence easterly along the last mentioned limit to the point of commencement.

The aforementioned parcel being registered in the Office of Land Titles at Sudbury as Parcel No. 13469A Sudbury West Section.

Secondly:

Commencing at a point in the easterly limit of Cote Avenue, according to said Registered Plan M-91, where the same is intersected by the limit between the north and south halves of the said Lot 2, said limit being the southerly boundary of the Town of Chelmsford;

Thence westerly along the last mentioned boundary to its intersection with the westerly limit of Errington Avenue, according to said Registered Plan M-91;

Thence southerly along the said westerly limit of Errington Avenue to the aforementioned northerly limit of the Sudbury-Levack Highway;

Thence easterly along the last mentioned limit to the easterly limit of Errington Avenue;

Thence northerly along the said easterly limit of Errington Avenue to the northwesterly angle of Parcel No. 6124 Sudbury West Section;

Thence easterly along the northerly limit of Parcel 6124 to the northeasterly angle of the said parcel;

Thence southerly along the easterly limit of the said parcel to the aforementioned northerly limit of the Sudbury-Levack Highway;

Thence easterly along the said northerly limit of the Sudbury-Levack Highway to the westerly limit of Charette Avenue;

Thence southerly along the said westerly limit of Charette Avenue to its intersection with the southerly limit of said Registered Plan M-91;

Thence easterly along the southerly limit of said Registered Plan M-91 to the easterly limit of Charette Avenue;

Thence northerly along the easterly limit of Charette Avenue to the northerly limit of the Sudbury-Levack Highway;

Thence easterly along the northerly limit of the Sudbury-Levack Highway to the westerly limit of a lane between Lots 3 and 4, according to said Registered Plan M-91;

Thence southerly along the westerly limit of said lane to its intersection with the southerly limit of said Registered Plan M-91;

Thence easterly along the southerly limit of said Registered Plan M-91 to the easterly limit of the aforementioned lane;


Thence northerly along the easterly limit of the aforementioned lane to the northerly limit of the Sudbury-Levack Highway;

Thence easterly along the said northerly limit of the Sudbury-Levack Highway to the westerly limit of Cote Avenue;

Thence southerly along the westerly limit of Cote Avenue to its intersection with the southerly limit of Registered Plan M-91;

Thence easterly along the southerly limit of Registered Plan M-91 to the easterly limit of Cote Avenue;

Thence northerly along the easterly limit of Cote Avenue to the point of commencement.



BILL

An Act respecting the
Town of Chelmsford (No. 2)

1st Reading

February 16th, 1956

2nd Reading

3rd Reading

MR. BELSLE

(Reprinted as amended by the
Committee on Private Bills)

No. 34

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the Town of Chelmsford (No. 2)

MR. BELISLE

No. 34

1956

BILL

An Act respecting the Town of Chelmsford (No. 2)

WHEREAS The Corporation of the Town of Chelmsford ^{Preamble} by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 525 of The Corporation of the Town of Chelmsford, set forth as Schedule A hereto, which was read a first and second time on the 31st day of August, 1953, and finally passed on the 21st day of December, 1953, authorizing the construction of certain watermains, is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof. ^{By-law confirmed}

2. By-law No. 537 of The Corporation of the Town of Chelmsford, set forth as Schedule B hereto, which was read a first and second time on the 28th day of May, 1954, and finally passed on the 31st day of January, 1956, authorizing the borrowing of \$20,000 upon debentures for watermain extension purposes and the issuing of debentures therefor, is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof. ^{By-law confirmed}

3.—(1) Notwithstanding section 5 of By-law No. 537, ^{Special assessments and rates validated}

- (a) the special assessments and rates set out in the special assessment roll, set forth as Schedule C hereto, shall be valid and binding upon all persons concerned and upon the lands specially assessed and the works in respect of which such special assessment roll has been made shall be conclusively deemed to have been lawfully undertaken;
- (b) in each year of the currency of the debentures issued under such by-law the balance of the sum required to pay the annual debenture charges shall be collected and paid out of water works revenue.

- Idem (2) All assessments made and rates charged during the years 1954 and 1955 shall be valid and binding upon all such persons and lands.
- Application of R.S.O. 1950, c. 262 **4.** Sections 61, 62, 63 and 64 of *The Ontario Municipal Board Act* shall apply in respect of By-laws Nos. 525 and 537 and the debentures to be issued thereunder.
- Lands annexed **5.—(1)** The lands described in Schedule D hereto shall be deemed to have been annexed to and to have formed part of the Town of Chelmsford for all purposes from and after the 7th day of June, 1927.
- Assessments, etc., confirmed (2) All assessments made and rates charged or collected by The Corporation of the Town of Chelmsford with respect to such lands are hereby confirmed and declared to be legal, valid and binding.
- Tax sales confirmation (3) All sales of land within the area annexed to the Town of Chelmsford by this section purporting to have been made by The Corporation of the Town of Chelmsford for arrears of taxes purported to have been payable to the Corporation with respect to the lands so sold are hereby confirmed and declared to be legal, valid and binding.
- Appeals preserved R.S.O. 1950, c. 24 (4) Nothing in this section shall deprive any person of any right of appeal provided under *The Assessment Act*.
- Commencement **6.** This Act comes into force on the day it receives Royal Assent.
- Short title **7.** This Act may be cited as *The Town of Chelmsford Act, 1956 (No. 2)*.

SCHEDULE A

BY-LAW No. 525

WHEREAS it has been duly declared by a Resolution dated the 13th day of July, 1953, passed by a vote of two-thirds of all members of the Council, desirable that the construction of the work hereinafter described shall be undertaken as a Local Improvement; and

WHEREAS notice of the intention of the Council to undertake such work was duly published more than twenty-one days prior to the passing of this By-law; and

WHEREAS the Council has procured to be made the reports, estimates and statements required for the undertaking of the said work;

THEREFORE the council of The Corporation of the Town of Chelmsford enacts as follows:

1. *Firstly:* That as so declared the following Watermain be constructed from the end of the present main on St. Joseph Street, south on Charette Street to Lots 248 and 249.

Secondly: From the end of the present main on Errington Street East on Gratton Street to Coté Street.

Thirdly: From Lot 239 on Errington Street South to Hill Street and thence east on Hill Street to Charette Street.

Fourthly: From St. Joseph Street south on Coté Street to Gratton Street.

All of which at an estimated total cost of \$18,380.00 of which the owners' share is estimated to be \$15,728.00 and the Corporation's share is \$2,652.00, as provided by plans and specifications furnished by the Engineer for the Corporation, as a Local Improvement, under provisions of *The Local Improvement Act*.

2. That the Engineer of the Corporation do forthwith make such plans, profiles and specifications and furnish such information as may be necessary for the carrying on and executing of the work by day labour.

3. The work shall be carried on and executed under the superintendence and according to the direction and orders of the Corporation's Engineer.

4. The Treasurer may, subject to the approval of the Council, agree with any Bank or person for temporary advances of money to meet the cost of the work pending the completion of it.

5. The Special Assessment shall be paid by fifteen annual instalments.

6. The debentures to be issued for the loan to be effected to pay for the cost of the work when completed shall bear interest at such rate as this Council may determine and be made payable within fifteen (15) years on the instalment plan.

7. Any person whose lot is specially assessed may commute for a payment in cash the special rates imposed thereon by paying the portion of the cost of construction assessed upon such lot, without the interest, forthwith after the special assessment roll has been certified by the Clerk, and at any time thereafter by the payment of such sum as when invested at five per cent per annum will provide an annuity sufficient to pay the special rates for the unexpired portion of the term as they fall due.

READ A FIRST AND SECOND TIME this thirty-first day of August,
A.D. 1953.

J. A. GRATTON,
Mayor.

(Seal)

J. O. HUNEULT,
Clerk.

Finally passed in Open Council this twenty-first day of December,
A.D. 1953.

J. A. GRATTON,
Mayor.

(Seal)

J. O. HUNEULT,
Clerk.

SCHEDULE B

By-LAW No. 537

THE CORPORATION OF THE TOWN OF CHELMSFORD

A By-law authorizing the borrowing of \$20,000.00
upon debentures for watermain extension purposes.

WHEREAS it is expedient to borrow for the construction of additional watermains in the Town of Chelmsford a sum not exceeding \$20,000.00 upon the credit of the corporation, to issue debentures therefor bearing interest at the rate of 5% per annum payable (semi-) annually and to provide for the discount and the expenses incidental to negotiation and sale of such debentures;

AND WHEREAS it is expedient to make the principal of the said debt repayable in annual instalments during the period of fifteen years next after the date of issue of such debentures, of such amounts respectively that, with the interest in respect of the debt, the aggregate amount payable for principal and interest in each year shall be, as nearly as possible, the same;

AND WHEREAS the amount of the whole rateable property of the municipality, according to the last revised assessment roll thereof is \$525,470.00;

AND WHEREAS the amount of the existing debenture debt of the Corporation, exclusive of local improvement debts secured by special rates or assessments, is \$105,931.00, and no part of the principal or interest of such debt is in arrear;

AND WHEREAS by Certificate No.-54-D-74 dated the 10th day of March, 1954, the Department of Health of Ontario has approved the purpose of the said borrowing;

AND WHEREAS by Order dated the 2nd day of April, 1954, the Ontario Municipal Board has approved the purpose of the said borrowing and the passing of all requisite by-laws, including debenture by-laws;

AND WHEREAS the Department of Municipal Affairs on December 18th, 1953, has approved the purpose of the said borrowing;

Therefore the Council of the Corporation of the Town of Chelmsford enacts as follows:

1. For the purpose aforesaid the Corporation shall borrow upon the credit of the Corporation a sum not exceeding \$20,000.00 and shall issue debentures therefor in sums of not less than \$50.00 each. Each

debenture shall bear interest at the rate of five per centum (5%) per annum payable (semi-) annually and shall have coupons attached thereto for the payment of such interest.

2. All the debentures shall bear the same date, shall be issued at one time and within two years after the day on which this By-law is passed, may bear any date within such two years and shall be made payable in annual instalments during the period of 15 years next after the date of issue thereof, and the respective amounts of principal and interest payable in each of such years shall be the amounts so designated in Schedule "A" hereto annexed.

3. The debentures shall be payable as to both principal and interest in lawful money of Canada and may be made payable at such place or places in Canada as shall be designated thereon.

4. The said debentures shall be sealed with the Seal of the Corporation and signed by the Head of the Council, or by some other person authorized by By-law to sign the same, and by the Treasurer. The said interest coupons shall be signed by the Treasurer and his signature thereon may be written, stamped, lithographed or engraved.

5. Commencing in the year 1956 and thereafter in each year in which an instalment of principal of the said debt and interest become due, the Corporation shall levy and raise the specific sum shown for the respective year in the Fourth column of the said Schedule. Such sum shall be levied and raised by a special rate sufficient therefor, over and above all other rates upon all the rateable property in the municipality.

6. The said debentures may contain a clause providing for the registration thereof pursuant to Section 335 of *The Municipal Act*.

7. Pending the sale of the said debentures, the Head of the Council and the Treasurer may raise for the purposes aforesaid by way of loan on such debentures any sum or sums of money not exceeding in all the sum hereby authorized to be borrowed and may hypothecate such debentures for such loan.

8. The Corporation shall have the right, at its option, to redeem the said debentures either in whole or in part on any date prior to maturity at the places where and in the moneys in which the said debentures are expressed to be payable, upon payment of the principal amount thereof together with interest accrued to the date of redemption and upon giving previous notice of said intention to redeem by advertising once in *The Ontario Gazette* and once in a daily newspaper of general provincial circulation, published in the City of Toronto, and once in a local newspaper, such notice to be advertised as aforesaid at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post at least thirty days prior to the date set for such redemption to each person in whose name a debenture so to be redeemed is registered at the address shown in the Debenture Registry Book. Where only a portion of the debentures of this issue is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debenture of this issue shall be called for such redemption in priority to any such debenture that has a later maturity date.

READ A FIRST AND SECOND TIME this 28th day of May, 1954.

J. A. GRATTON,
Mayor.

(Seal)

J. O. HUNEULT,
Clerk.

READ A THIRD TIME and finally passed this 31st day of January, 1956.

LEO VAILLANCOURT,
Mayor.

(Seal)

J. O. HUNEULT,
Clerk.

Schedule "A"

To By-Law No. 537

of the

CORPORATION OF THE TOWN OF CHELMSFORD

\$20,000.00

5%

Dated: May 1st, 1956

Due: May 1st, 1957-1971

	Principal	Semi- Annual Interest	Annual Payment	Balance
May 1st, 1956.				\$20,000.00
Nov. 1st, 1956.		\$ 500.00		
May 1st, 1957.	\$ 1,000.00	500.00	\$ 2,000.00	19,000.00
Nov. 1st, 1957.		475.00		
May 1st, 1958.	1,000.00	475.00	1,950.00	18,000.00
Nov. 1st, 1958.		450.00		
May 1st, 1959.	1,000.00	450.00	1,900.00	17,000.00
Nov. 1st, 1959.		425.00		
May 1st, 1960.	1,000.00	425.00	1,850.00	16,000.00
Nov. 1st, 1960.		400.00		
May 1st, 1961.	1,000.00	400.00	1,800.00	15,000.00
Nov. 1st, 1961.		375.00		
May 1st, 1962.	1,000.00	375.00	1,750.00	14,000.00
Nov. 1st, 1962.		350.00		
May 1st, 1963.	1,000.00	350.00	1,700.00	13,000.00
Nov. 1st, 1963.		325.00		
May 1st, 1964.	1,000.00	325.00	1,650.00	12,000.00
Nov. 1st, 1964.		300.00		
May 1st, 1965.	1,500.00	300.00	2,100.00	10,500.00
Nov. 1st, 1965.		262.00		
May 1st, 1966.	1,500.00	263.00	2,025.00	9,000.00
Nov. 1st, 1966.		225.00		
May 1st, 1967.	1,500.00	225.00	1,950.00	7,500.00
Nov. 1st, 1967.		187.00		
May 1st, 1968.	1,500.00	188.00	1,875.00	6,000.00
Nov. 1st, 1968.		150.00		
May 1st, 1969.	2,000.00	150.00	2,300.00	4,000.00
Nov. 1st, 1969.		100.00		
May 1st, 1970.	2,000.00	100.00	2,200.00	2,000.00
Nov. 1st, 1970.		50.00		
May 1st, 1971.	2,000.00	50.00	2,100.00
	<u>\$20,000.00</u>	<u>\$9,150.00</u>	<u>\$29,150.00</u>	

SCHEDULE C

SPECIAL ASSESSMENT ROLL

From St. Joseph Street south on Charette Street to Lots 264-265. From Errington Avenue east on Gratton Street to Coté Avenue. From Lot 254 on Errington Avenue to Hill Street, thence on Hill Street to Charette Street. From St. Joseph Street south on Coté Avenue to Lot 250.

No. on Roll	Name	Con- dition	Lot	Street	No. feet front- age	Rate per foot	No. of Instal- ments
1.	Séguin, Aline	O	254-427	Errington	200'	25c.	15
2.	Séguin, Aline	O	246-239				
			238-231		200'	25c.	15
			230-223				
3.	Bolen, Nick	O	222-215		100'	25c.	15
4.	Vezeau, Florent	O	214		50'	25c.	15
5.	Topalnesky, Maxwell	O	207		50'	25c.	15
6.	Brosseau, Armand . . .	O	206		50'	25c.	15
7.	Gaudette, Larry	O	199		50'	25c.	15
8.	Desrosiers, Armand . .	O	198		50'	25c.	15
9.	Harvey, James	O	191	Charette	50'	25c.	15
10.	Halowsky, Matthew . .	O	190		50'	25c.	15
11.	Lavery, Andrew	O	183-182-175		150'	25c.	15
12.	Bazzo, A. G.	O	174		50'	25c.	15
13.	Morris, W. F.	O	167		50'	25c.	15
14.	Bartoli, Ezio	O	166		50'	25c.	15
15.	Montpellier, Laurier .	O	158-159		100'	25c.	15
16.	Merrick, F. W.	O	150-151		100'	25c.	15
17.	Rodrigue, Marcel . . .	O	135-142-143		150'	25c.	15
18.	Vaillancourt, A. B. . .	O	134		50'	25c.	15
19.	Bisson, Idorice	O	127	Coté Ave.	50'	25c.	15
20.	Whalen, Luke	O	119-126		100'	25c.	15
21.	Mémard, René	O	110-111-118		150'	25c.	15
22.	Serré, Victor	O	103		50'	25c.	15
23.	Perreault, Julien . . .	O	104		50'	25c.	15
24.	R.C. Sep. School . . .	O	105		50'	25c.	15
25.	Vaillancourt, A. B. . .	O	108		50'	25c.	15
26.	Lavoie, Adelard	O	109		50'	25c.	15
27.	Leroux, Olidor	O	304		100'	15c.	15
28.	Villeneuve, Cyril . . .	O	305		100'	15c.	15
29.	Vaillancourt, Dorila . .	O	296	Coté Ave.	50'	25c.	15
30.	Vaillancourt, Joffre . .	O	288		50'	25c.	15
31.	Trottier, Philemon . .	O	285		50'	25c.	15
32.	Lacelle, Aldas	O	281-284-289		250'	25c.	15
			292-297				
33.	Lalonde, Laurent . . .	O	293		50'	25c.	15
34.	Ranger, Olive	O	277-280		100'	25c.	15
35.	McIntyre, Hector . . .	O	276		50'	25c.	15
36.	Gareau, Liguori	O	274		50'	25c.	15
37.	St. Aubin, Nestor . . .	O	273		50'	25c.	15
38.	Robert, Gilles	O	272		50'	25c.	15
39.	Ranger, Frank	O	269		50'	25c.	15
40.	Belisle, Emile	O	268		50'	25c.	15
41.	Gravelle, Roger	O	265		50'	25c.	15
42.	Gravelle, Marie Anne	O	264		50'	25c.	15
43.	Brosseau, Arthur, Jr.	O	298 and ½ of	Coté Ave.	75'	25c.	15
			291				
44.	Charette, Léo	O	290 and ½ of		75'	25c.	15
			291				
45.	Lacelle, Aldas	O	282-283		100'	25c.	15
46.	Lafontaine, Ernest . .	O	267		50'	25c.	15
47.	Lafontaine, Rhéal . . .	O	275		50'	25c.	15
48.	Roy, Jules	O	259-266		100'	25c.	15
49.	Gardner, Arthur	O	258 and ½ of		75'	25c.	15
			251				
50.	Sauvé, Claude	O	250 and ½ of		75'	25c.	15
			251				

SCHEDULE D

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Balfour, in the District of Sudbury and Province of Ontario, being composed of:

Firstly: Part of the west half of the east half of Lot 2, Concession 3 of the said Township.

Secondly: Part of the plan registered in the Office of Land Titles at Sudbury as Registered Plan M-91.

The firstly and secondly mentioned parcels may be more particularly described as follows:

Firstly:

Commencing at a point in the easterly limit of the west half of the east half of said Lot 2, where the same is intersected by the northerly limit of the Sudbury-Levack Highway, according to Department of Highways Plan P-2501-3, which point may be located by beginning at the southwest angle of said Lot 2;

Thence easterly along the southerly limit of said Lot 2, 2,041.54 feet more or less to the limit between the east and west half of the east half of said Lot 2;

Thence northerly along the last mentioned limit, 50 feet to the point of commencement;

Thence continuing northerly along the last mentioned limit to its intersection with the limit between the north and south halves of said Lot 2, said limit being the southerly boundary of the Town of Chelmsford;

Thence westerly along the last mentioned boundary to its intersection with the easterly limit of Cote Avenue, according to plan registered in the Office of Land Titles at Sudbury as Registered Plan M-91;

Thence southerly along the said easterly limit of Cote Avenue to the said northerly limit of the Sudbury-Levack Highway;

Thence easterly along the last mentioned limit to the point of commencement.

The aforementioned parcel being registered in the Office of Land Titles at Sudbury as Parcel No. 13469A Sudbury West Section.

Secondly:

Commencing at a point in the easterly limit of Cote Avenue, according to said Registered Plan M-91, where the same is intersected by the limit between the north and south halves of the said Lot 2, said limit being the southerly boundary of the Town of Chelmsford;

Thence westerly along the last mentioned boundary to its intersection with the westerly limit of Errington Avenue, according to said Registered Plan M-91;

Thence southerly along the said westerly limit of Errington Avenue to the aforementioned northerly limit of the Sudbury-Levack Highway;

Thence easterly along the last mentioned limit to the easterly limit of Errington Avenue;

Thence northerly along the said easterly limit of Errington Avenue to the northwesterly angle of Parcel No. 6124 Sudbury West Section;

Thence easterly along the northerly limit of Parcel 6124 to the northeasterly angle of the said parcel;

Thence southerly along the easterly limit of the said parcel to the aforementioned northerly limit of the Sudbury-Levack Highway;

Thence easterly along the said northerly limit of the Sudbury-Levack Highway to the westerly limit of Charette Avenue;

Thence southerly along the said westerly limit of Charette Avenue to its intersection with the southerly limit of said Registered Plan M-91;

Thence easterly along the southerly limit of said Registered Plan M-91 to the easterly limit of Charette Avenue;

Thence northerly along the easterly limit of Charette Avenue to the northerly limit of the Sudbury-Levack Highway;

Thence easterly along the northerly limit of the Sudbury-Levack Highway to the westerly limit of a lane between Lots 3 and 4, according to said Registered Plan M-91;

Thence southerly along the westerly limit of said lane to its intersection with the southerly limit of said Registered Plan M-91;

Thence easterly along the southerly limit of said Registered Plan M-91 to the easterly limit of the aforementioned lane;

Thence northerly along the easterly limit of the aforementioned lane to the northerly limit of the Sudbury-Levack Highway;

Thence easterly along the said northerly limit of the Sudbury-Levack Highway to the westerly limit of Cote Avenue;

Thence southerly along the westerly limit of Cote Avenue to its intersection with the southerly limit of Registered Plan M-91;

Thence easterly along the southerly limit of Registered Plan M-91 to the easterly limit of Cote Avenue;

Thence northerly along the easterly limit of Cote Avenue to the point of commencement.

BILL

An Act respecting the
Town of Chelmsford (No. 2)

1st Reading

February 16th, 1956

2nd Reading

March 12th, 1956

3rd Reading

March 26th, 1956

MR. BELSUE

No. 35

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the City of Windsor

MR. DAVIES

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Windsor

WHEREAS The Corporation of the City of Windsor, Preamble
hereinafter called the Corporation, by its petition has
prayed for special legislation in respect of the matters herein-
after set forth; and whereas it is expedient to grant the
prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) The Corporation may install or cause to be installed Installation of back-water valves by Corporation
in the drain connections of any building, at the request and
expense of the owner thereof, a device known as a back-water
valve, which is designed to prevent water and sewage from
backing up through the drain connection, and, where the
Corporation is of the opinion that the owner of the premises
is unable to pay the expense of the same at once, may enter
into an agreement with such owner providing for the payment
by him of the cost in equal, successive, annual payments,
extending over a period not exceeding five years, including
interest at a rate of not more than 6 per cent per annum on
such portion of the cost as remains unpaid from time to time,
and such annual payments may be added by the clerk of the
Corporation to the collector's roll and collected in like manner
as municipal taxes.

(2) Where an agreement is entered into under subsection 1, Registration of certificate of charges for installing back-water valves
a certificate from the clerk of the Corporation setting forth
the cost of the installations and a description of the lands
upon which the same were made shall be registered in the
proper registry office against the lands on proper proof by
affidavit of the signature of the clerk, and upon payment in
full of the cost of the installations a like certificate from the
clerk indicating full payment of such cost shall be registered
in such registry office and the lands shall thereupon be freed
from all liability as to the cost of such installations.

2. The council of the Corporation is authorized and Authority to pass by-laws respecting cleanliness of alleys, etc.
empowered to pass by-laws requiring the owners or occupants

- of land in the City of Windsor to keep and maintain the alleys and lanes, alongside or at the rear of such land, free and clear of weeds, dirt, filth, ashes, paper, building material, rubbish and other refuse, at all times, and for the purposes of Part XXI of *The Municipal Act* such by-law shall be deemed to be a by-law passed under the authority of *The Municipal Act*.
- R.S.O. 1950,
c. 243
- Lands
vested in
Corporation
- Commence-
ment
- Short title
3. The lands described in the Schedule hereto are hereby vested in the Corporation in fee simple, clear of and free from all right, title and interest other than that of the Corporation.
 4. This Act comes into force on the day it receives Royal Assent.
 5. This Act may be cited as *The City of Windsor Act, 1956*.

SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Windsor in the County of Essex and Province of Ontario, being composed of:

- (a) the south half of Lot Number Eighty-five (85) on the east side of Myrtle Street, according to Registered Plan 890;
- (b) the water lot in the Detroit River in front of Lot Number Thirteen (13) on the west side of Sandwich Street, according to Registered Plan 410;
- (c) the water lot in the Detroit River in front of parts of Lots Numbers Four (4) and Five (5) on the west side of Russell Street, according to Registered Plan 40, containing by admeasurement 92.100ths acres more or less.

BILL

An Act respecting
the City of Windsor

1st Reading

February 16th, 1956

2nd Reading

3rd Reading

MR. DAVIES

(*Private Bill*)

No. 35

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act respecting the City of Windsor

MR. DAVIES

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Windsor

WHEREAS The Corporation of the City of Windsor, Preamble
hereinafter called the Corporation, by its petition has
prayed for special legislation in respect of the matters herein-
after set forth; and whereas it is expedient to grant the
prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) The Corporation may install or cause to be installed Installation
of back-
water
valves by
Corporation
in the drain connections of any building, at the request and
expense of the owner thereof, a device known as a back-water
valve, which is designed to prevent water and sewage from
backing up through the drain connection, and, where the
Corporation is of the opinion that the owner of the premises
is unable to pay the expense of the same at once, may enter
into an agreement with such owner providing for the payment
by him of the cost in equal, successive, annual payments,
extending over a period not exceeding five years, including
interest at a rate of not more than 6 per cent per annum on
such portion of the cost as remains unpaid from time to time,
and such annual payments may be added by the clerk of the
Corporation to the collector's roll and collected in like manner
as municipal taxes.

(2) Where an agreement is entered into under subsection 1, Registration
of certificate
of charges
for installing
back-water
valves
a certificate from the clerk of the Corporation setting forth
the cost of the installations and a description of the lands
upon which the same were made shall be registered in the
proper registry office against the lands on proper proof by
affidavit of the signature of the clerk, and upon payment in
full of the cost of the installations a like certificate from the
clerk indicating full payment of such cost shall be registered
in such registry office and the lands shall thereupon be freed
from all liability as to the cost of such installations.

2. The council of the Corporation is authorized and Authority
to pass
by-laws
respecting
cleanliness
of alleys,
etc.
empowered to pass by-laws requiring the owners or occupants

of land in the City of Windsor to keep and maintain the alleys and lanes, alongside or at the rear of such land, free and clear of weeds, dirt, filth, ashes, paper, building material, rubbish and other refuse, at all times, and for the purposes of Part XXI of *The Municipal Act* such by-law shall be deemed to be a by-law passed under the authority of *The Municipal Act*.

R.S.O. 1950,
c. 243

3. The lands described in the Schedule hereto are hereby vested in the Corporation in fee simple, clear of and free from all right, title and interest other than that of the Corporation.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

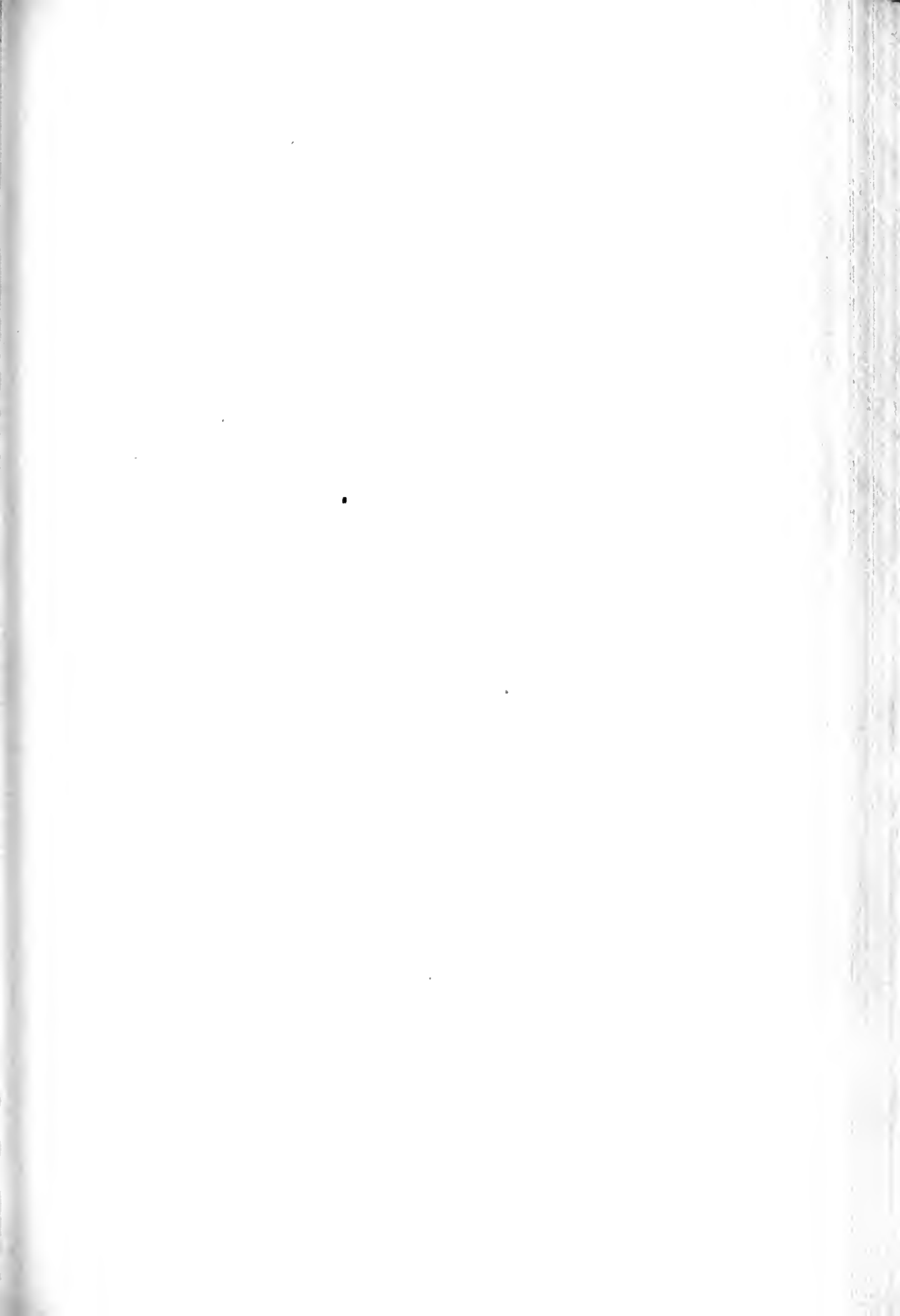
Short title

5. This Act may be cited as *The City of Windsor Act, 1956*.

SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Windsor in the County of Essex and Province of Ontario, being composed of:

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- (c) the water lot in the Detroit River in front of parts of Lots Numbers Four (4) and Five (5) on the west side of Russell Street, according to Registered Plan 40, containing by ad-measurement 92.100ths acres more or less.



BILL

An Act respecting
the City of Windsor

1st Reading

February 16th, 1956

2nd Reading

February 24th, 1956

3rd Reading

March 14th, 1956

MR. DAVES

No. 36

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the City of Hamilton

MR. CONNELL

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 36

1956

BILL

An Act respecting the City of Hamilton

WHEREAS The Corporation of the City of Hamilton ^{Preamble} by its petition has prayed for special legislation with respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation

1. In this Act,

- (a) "Corporation" means The Corporation of the City of Hamilton;
- (b) "council" means the council of The Corporation of the City of Hamilton;
- (c) "employee" means an employee of The Corporation of the City of Hamilton.

2. The council may, out of current revenues of the Cor- ^{Grants}poration, in any year grant such sum or sums of money, not ^{authorized} exceeding in the aggregate \$30,000 in any one year, in aid of institutions, associations or persons, for the carrying on of activities which in the opinion of the council are for the general advantage of the inhabitants of the Corporation, and for which grant or grants there is no express authority provided by any other Act.

3. Where in an action or settlement, arising out of an ^{Payments} accident to an employee, the Corporation recovers from a ^{of amounts} third person a larger amount, exclusive of costs, than the ^{recovered} amount paid to or on behalf of the employee as a result of the ^{in actions} accident, the Corporation may pay the surplus amount that ^{to em-} is recovered or received, ^{ployees}

- (a) to the employee; or

(b) in the event of the death of the employee, to one or more of his dependants,

upon such terms or conditions as the Corporation deems expedient.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The City of Hamilton Act, 1956*.

BILL

An Act respecting the City of Hamilton

1st Reading

2nd Reading

3rd Reading

MR. CONNELL

(*Private Bill*)

No. 36

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act respecting the City of Hamilton

MR. CONNELL

(Reprinted as amended by the Committee on Private Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 36

1956

BILL

An Act respecting the City of Hamilton

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1. In this Act,

Inter-
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- (a) "Corporation" means The Corporation of the City of Hamilton;
- (b) "council" means the council of The Corporation of the City of Hamilton;
- (c) "employee" means an employee of The Corporation of the City of Hamilton.

2.—(1) The council may, out of current revenues of the Corporation, in any year grant such sum or sums of money, not exceeding in the aggregate \$30,000 in any one year, in aid of institutions, associations or persons, for the carrying on of activities which in the opinion of the council are for the general advantage of the inhabitants of the Corporation, and for which grant or grants there is no express authority provided by any other Act. ^{Grants authorized}

(2) The council may grant to The Young Men's Christian Association in the City of Hamilton the sum of \$25,000 to be used by that Association for the purchase of land from the Corporation, and which land is to be used for a community centre in the City of Hamilton. ^(Grant to Y.M.C.A.)

3. Where in an action or settlement, arising out of an accident to an employee, the Corporation recovers from a third person a larger amount, exclusive of costs, than the ^{Payments of amounts recovered in actions to employees}

amount paid to or on behalf of the employee as a result of the accident, the Corporation may pay the surplus amount that is recovered or received,

(a) to the employee; or

(b) in the event of the death of the employee, to one or more of his dependants,

upon such terms or conditions as the Corporation deems expedient.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The City of Hamilton Act, 1956*.

BILL

An Act respecting the City of Hamilton

1st Reading

February 16th, 1956

2nd Reading

3rd Reading

MR. CONNELL

*(Reprinted as amended by the
Committee on Private Bills)*

No. 36

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act respecting the City of Hamilton

MR. CONNELL

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 36

1956

BILL

An Act respecting the City of Hamilton

WHEREAS The Corporation of the City of Hamilton Preamble
by its petition has prayed for special legislation with
respect to the matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. In this Act,

Interpre-
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- (a) "Corporation" means The Corporation of the City
of Hamilton;
- (b) "council" means the council of The Corporation of
the City of Hamilton;
- (c) "employee" means an employee of The Corporation
of the City of Hamilton.

2.—(1) The council may, out of current revenues of the Cor- Grants
authorized
poration, in any year grant such sum or sums of money, not
exceeding in the aggregate \$30,000 in any one year, in aid
of institutions, associations or persons, for the carrying on of
activities which in the opinion of the council are for the
general advantage of the inhabitants of the Corporation, and
for which grant or grants there is no express authority provided
by any other Act.

(2) The council may grant to The Young Men's Christian Grant to
Y.M.C.A.
Association in the City of Hamilton the sum of \$25,000 to
be used by that Association for the purchase of land from the
Corporation, and which land is to be used for a community
centre in the City of Hamilton.

3. Where in an action or settlement, arising out of an Payments
of amounts
recovered
in actions
to em-
ployees
accident to an employee, the Corporation recovers from a
third person a larger amount, exclusive of costs, than the

amount paid to or on behalf of the employee as a result of the accident, the Corporation may pay the surplus amount that is recovered or received,

(a) to the employee; or

(b) in the event of the death of the employee, to one or more of his dependants,

upon such terms or conditions as the Corporation deems expedient.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The City of Hamilton Act, 1956*.

BILL

An Act respecting the City of Hamilton

1st Reading

February 16th, 1956

2nd Reading

March 12th, 1956

3rd Reading

March 14th, 1956

MR. CONNELL

No. 37

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to incorporate The Metropolitan Toronto Foundation

MR. GROSSMAN

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act to incorporate The Metropolitan Toronto Foundation

WHEREAS the persons named in section 1 by their ^{Preamble} petition have represented that it is desirable and in the public interest to create a perpetual body to receive, maintain, manage, control and use donations for charitable purposes within Ontario; and whereas the petitioners have prayed that special legislation be passed for such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Wilfred Harold Clark, Esq., George Albert Weale, Esq., ^{Foundation} Harry Holcombe Wilson, Esq., James Wilson Berry, Esq., and ^{incorporated} Wallace Gladwyn Angus, Esq., Q.C., all of The Municipality of Metropolitan Toronto, and their successors as members of the Board of Directors of the Foundation, are hereby constituted a body corporate and politic without share capital under the name of The Metropolitan Toronto Foundation, hereinafter called the Foundation.

2. The objects of the Foundation are to receive, maintain, ^{Objects} manage, control and use donations for charitable purposes within Ontario.

3.—(1) The Foundation shall be composed of the members ^{Members of} for the time being of the Board of Directors of the Foundation, ^{Foundation} hereinafter called the Board.

(2) The first members of the Board shall be the applicants ^{First Board} named in section 1 and they shall serve for a period of three months after this Act comes into force, but any such members shall be eligible for re-appointment.

(3) Commencing three months after this Act comes into ^{Idem} force, the Board shall be composed of six members appointed by the nominating committee.

Term of office	(4) Two of such members shall serve for one year, two of such members shall serve for two years and two of such members shall serve for three years.
Remuneration and term of office	(5) Members of the Board shall serve without remuneration and, subject to subsection 4, shall be appointed for a term of three years.
Re-appointment	(6) No member of the Board shall be eligible for re-appointment until one year has elapsed after he ceases to hold office.
Vacancies	(7) A vacancy occurring in the membership of the Board by reason of the expiration of a term of office shall be filled by appointment by the nominating committee provided for in section 4.
Idem	(8) A vacancy arising in the membership of the Board by reason of death, resignation or any other cause, other than the expiration of a term of office, shall be filled by appointment by the nominating committee provided for in section 4, and any person so appointed shall hold office for the unexpired portion of the term of office of his predecessor.
Composition of nominating committee	<p>4.—(1) The nominating committee shall consist of the persons holding the following offices from time to time:</p> <ol style="list-style-type: none"> 1. The Chairman of The Municipality of Metropolitan Toronto. 2. The Mayor of the City of Toronto. 3. The Honourable, the Chief Justice of the Supreme Court of Ontario. 4. The President of the University of Toronto. 5. The President of The Board of Trade of the City of Toronto. 6. The President of The County of York Law Association.
Meetings	(2) The nominating committee shall meet annually or oftener upon the call of the secretary of the Board, if any, or upon the call of the chairman of the nominating committee whenever it is necessary to fill a vacancy in the Board.
Rules	(3) The nominating committee may make such rules governing its procedure, including the appointment of a chairman, as it deems advisable.

(4) A quorum of the nominating committee for any meeting shall be not less than three of its members present in person, and a majority vote of all the members of the committee shall be required for the appointment of a member of the Board. ^{Quorum}

(5) If the nominating committee fails to appoint a person to fill a vacancy in the membership of the Board within sixty days after the vacancy occurs, the remaining members of the Board may apply to a Judge of the Supreme Court to make the appointment, and the Judge to whom the application is made may appoint any person to fill the vacancy or make such other order as he deems just. ^{Appointment by Judge}

5.—(1) The Board may pass by-laws not contrary to this Act to regulate and govern its procedure and actions and the conduct and administration of the affairs of the Foundation. ^{Powers of Board}

(2) Without limiting the generality of subsection 1, the Board may pass by-laws, ^{Idem}

- (a) regulating the calling of and the procedure at meetings of the Board, and fixing the time and place of such meetings;
- (b) fixing the quorum of the Board;
- (c) regulating the appointment, functions, powers, duties, remuneration and removal of officers, servants and agents of the Foundation.

(3) Any by-law of the Board may be repealed or amended by the Board in accordance with such rules or regulations as it may prescribe by by-law. ^{Repeal and amendment of by-laws}

(6) By-laws of the Board shall require the approval either at a meeting or in writing of the majority of the members of the Board. ^{Approval}

6. The Foundation is hereby empowered, ^{Powers of Foundation}

- (a) to receive directly donations of, and hold, control and administer, real and personal property of every kind and description wherever situated;
- (b) to receive donations or the benefit of donations indirectly either by way of testamentary disposition or deed of trust or otherwise, and to use and expend or direct the using and expending of real or personal property of every kind and description, wherever situated, or the income therefrom;

- (c) except as hereinafter provided, to convert any property at any time and from time to time received and held by or on behalf of the Foundation into any other form and for that purpose to sell or cause and authorize the property to be sold, assigned, transferred, leased, exchanged or otherwise disposed of;
- (d) to pass on and entrust to one or more trust companies the custody and management of all or any part of the property at any time and from time to time received or held by the Foundation in such manner and in such proportions as the Board deems proper, and to enter into agreements with such trust companies with respect thereto;
- (e) to direct any trust company to manage and administer as a single fund and in such manner as the Board deems advisable any one or more donations held by such trust company for the purposes of the Foundation under any testamentary document or deed of trust or otherwise;
- (f) to lease any lands at any time held by the Foundation;
- (g) to pay and apply the net income in each year from all funds held directly or indirectly by it toward such charitable purposes within Ontario as the Board deems advisable;
- (h) to pay, apply and distribute such portion as it deems advisable of the capital of the funds, held directly or indirectly by it, to and for such charitable purposes within Ontario as it deems advisable provided that, unless otherwise specifically provided by the donor of any sum or fund, not more than a total of 10 per cent of the balance of the capital of the sum or fund shall be so distributed during any period of four consecutive years, and provided further that no distribution of capital shall be made without the unanimous consent of all directors, given in person at a meeting of the Board or if not present at a meeting then in writing within the sixty days next after the meeting;
- (i) except as hereinafter provided, to control the management and investment of all its funds; provided that, where a trust company is specifically appointed as trustee of any fund by any testamentary document or deed of trust or otherwise, such trust company shall have the physical custody of such fund and,

subject to the specific terms of any such document, shall invest and reinvest the same within the general policy of investment laid down by the Board; and provided further that the custody of all securities and the accounting therefor may be entrusted by the Board to one or more trust companies and thereupon any such trust company shall invest and reinvest the same within the general policy of investment laid down by the Board;

- (j) to direct the investment of all its funds, which are to be invested by the Foundation or by any trust company or other trustee, in investments authorized for the investment of funds of life insurance companies in Canada; provided that the Board may authorize and direct the retention of any specific assets donated or bequeathed to the Foundation by any testamentary document or deed of trust or otherwise for such length of time as the Board in its sole discretion deems advisable notwithstanding that it does not consist of assets in which the Foundation is authorized to invest by this Act, and the Foundation and the members of the Board shall under no circumstances be liable, nor shall any trust company or other trustee acting on the instructions of the Board be liable, for any loss or damage that may be suffered by reason of the retention of any such assets as aforesaid or the investment of any such moneys in accordance with the power and authority given in this clause;
- (k) to employ such person or persons, including trust companies, and to take such other action, as it deems advisable for the more efficient carrying out of the purposes of the Foundation, and such employees may be paid such reasonable compensation out of, and the Board may charge the expenses of any such other action to, the income or capital, or both, of the funds of the Foundation as the Board deems advisable;
- (l) to set aside, or in its discretion to refrain from setting aside, any part of the income received by it from securities taken or purchased as part of the funds of the Foundation at a premium, as a sinking fund to retire or amortize such premium, and to determine in its uncontrolled discretion in respect of all funds of the Foundation what shall be treated as income and what shall be treated as capital as to each respective transaction therein and to charge or apportion any losses or expenses to capital or income as it deems best;

- (m) to compromise, compound and adjust claims in favour of or against the property held or intended to be held by it, upon such terms and conditions as it deems just, expedient and proper.

Specific powers

7.—(1) The Foundation may accept donations either directly or indirectly subject to the condition that the income or capital or both thereof shall be paid and applied to a specific charitable purpose, either for a specific or an indefinite period of time.

Proviso

(2) Subsection 1 applies only if the donation is also subject to the condition that, after the expiration of a specific or indefinite period of time or at any time, there shall be a discretionary power vested in the Board to pay or apply the income or capital of the donation to some other charitable purpose or that, if the Board is satisfied that conditions are such as to render it impractical or inefficient to expend all or any part of such moneys for such specific purpose, then upon the unanimous approval of the members of the Board given either at a meeting or in writing within sixty days next after the meeting and within the limits of the discretionary power all or any part of such moneys may be paid and applied to such other charitable purposes as the Board deems advisable.

Idem

(3) If any such donation is made subject to the condition that the income or capital or both shall be paid and applied to a specific charitable organization for a specific period of time, and if such specific charitable organization ceases to exist within the specific period of time, then for the balance of the period the income or capital or both shall be applied to such other charitable purpose as is directed by a Judge of the Supreme Court in accordance with the laws in force from time to time in Ontario.

Form of words

8. Any form of words is sufficient to constitute a donation for the purposes of this Act so long as the donor indicates an intention to contribute presently or prospectively to the Foundation.

Nature of donations

9. The Foundation may accept a donation notwithstanding that some portion of the benefit of the donation is directed to be applied to charitable purposes outside Ontario, if such portion of the benefit of the funds is directed to be applied to charitable purposes within Canada.

Treatment of donations

10.—(1) Subject to subsection 2, all donations made directly or indirectly to the Foundation may be treated for all purposes as a general fund.

(2) In the case of a donation of \$25,000 or more, the donor ^{Idem} may require that such donation be maintained as a separate fund, in which case in each year thereafter a separate accounting thereof shall be set out in the annual audited report.

(3) Unless otherwise directed by testamentary document ^{Acknowledgments} or deed of trust or otherwise, all donations shall be publicly acknowledged, in the year following that in which they are made, by being set out in the annual audited report.

(4) Unless otherwise directed by testamentary document ^{Idem} or deed of trust or otherwise, donations from any one person shall be publicly acknowledged in every year following their receipt by being set out in the annual audited report provided that if one person makes more than one donation then only the total of that person's donations, as they may be from time to time, need be shown.

11.—(1) The Foundation shall cause an audit to be made ^{Audit} at least once in every fiscal year, by an independent auditor who shall be either a Chartered Accountant or a Certified Public Accountant, of the receipts and disbursements of the funds of the Foundation.

(2) The audit shall include all assets held by the Foundation ^{Idem} or any trust company on its behalf, or held by any trustee in trust for the Foundation and, notwithstanding that any such funds may be held by a trustee pursuant to the provisions of a testamentary document or deed of trust, such trustee shall give an accounting thereof to the auditor of the Foundation in each year.

(3) The Foundation shall cause to be published in the newspaper published in the City of Toronto, Ontario, reputed ^{Publication of statement} to have the largest circulation therein, a certified statement by the auditor setting out the receipts and disbursements and capital assets of the Foundation or held in trust for the Foundation.

(4) The statement shall show separately the receipts and disbursements and capital assets of any fund which is held separately but with respect to other assets may show the same as a general fund. ^{Contents of statement}

(5) The statement shall set out in detail the purposes for ^{Idem} which the income has been used and the expenses of the Foundation, all in accordance with good accounting practice.

(6) The Board and any trust company or other trustee ^{Information and inspection} holding funds in trust for the Foundation shall give full information and permit all necessary inspection to enable such audit to be made.

Application of R.S.O. 1950, c. 50, (7) The Foundation shall be subject in all respects to *The Charities Accounting Act*.

Limitation on powers **12.** Any power conferred on the Foundation by this Act shall not be exercised in respect of any donation in contravention of any express provision to the contrary in the document of trust governing such donation.

Commencement **13.** This Act comes into force on the day it receives Royal Assent.

Short title **14.** This Act may be cited as *The Metropolitan Toronto Foundation Act, 1956*.

BILL

An Act to incorporate
The Metropolitan Toronto Foundation

1st Reading

February 16th, 1956

2nd Reading

3rd Reading

MR. GROSSMAN

(*Private Bill*)

No. 37

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to incorporate The Metropolitan Toronto Foundation

MR. GROSSMAN

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act to incorporate The Metropolitan Toronto Foundation

WHEREAS the persons named in section 1 by their Preamble petition have represented that it is desirable and in the public interest to create a perpetual body to receive, maintain, manage, control and use donations for charitable purposes within Ontario; and whereas the petitioners have prayed that special legislation be passed for such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Wilfred Harold Clark, Esq., George Albert Weale, Esq., Foundation incorporated Harry Holcombe Wilson, Esq., James Wilson Berry, Esq., and Wallace Gladwyn Angus, Esq., Q.C., all of The Municipality of Metropolitan Toronto, and their successors as members of the Board of Directors of the Foundation, are hereby constituted a body corporate and politic without share capital under the name of The Metropolitan Toronto Foundation, hereinafter called the Foundation.

2. The objects of the Foundation are to receive, maintain, Objects manage, control and use donations for charitable purposes within Ontario.

3.—(1) The Foundation shall be composed of the members Members of Foundation for the time being of the Board of Directors of the Foundation, hereinafter called the Board.

(2) The first members of the Board shall be the applicants First Board named in section 1 and they shall serve for a period of three months after this Act comes into force, but any such members shall be eligible for re-appointment.

(3) Commencing three months after this Act comes into Idem force, the Board shall be composed of six members appointed by the nominating committee.

Term of office	(4) Two of such members shall serve for one year, two of such members shall serve for two years and two of such members shall serve for three years.
Remuneration and term of office	(5) Members of the Board shall serve without remuneration and, subject to subsection 4, shall be appointed for a term of three years.
Re-appointment	(6) No member of the Board shall be eligible for re-appointment until one year has elapsed after he ceases to hold office.
Vacancies	(7) A vacancy occurring in the membership of the Board by reason of the expiration of a term of office shall be filled by appointment by the nominating committee provided for in section 4.
Idem	(8) A vacancy arising in the membership of the Board by reason of death, resignation or any other cause, other than the expiration of a term of office, shall be filled by appointment by the nominating committee provided for in section 4, and any person so appointed shall hold office for the unexpired portion of the term of office of his predecessor.
Composition of nominating committee	<p>4.—(1) The nominating committee shall consist of the persons holding the following offices from time to time:</p> <ol style="list-style-type: none"> 1. The Chairman of The Municipality of Metropolitan Toronto. 2. The Mayor of the City of Toronto. 3. The Honourable, the Chief Justice of the Supreme Court of Ontario. 4. The President of the University of Toronto. 5. The President of The Board of Trade of the City of Toronto. 6. The President of The County of York Law Association.
Meetings	(2) The nominating committee shall meet annually or oftener upon the call of the secretary of the Board, if any, or upon the call of the chairman of the nominating committee whenever it is necessary to fill a vacancy in the Board.
Rules	(3) The nominating committee may make such rules governing its procedure, including the appointment of a chairman, as it deems advisable.

(4) A quorum of the nominating committee for any meeting ^{Quorum} shall be not less than three of its members present in person, and a majority vote of all the members of the committee shall be required for the appointment of a member of the Board.

(5) If the nominating committee fails to appoint a person ^{Appointment by Judge} to fill a vacancy in the membership of the Board within sixty days after the vacancy occurs, the remaining members of the Board may apply to a Judge of the Supreme Court to make the appointment, and the Judge to whom the application is made may appoint any person to fill the vacancy or make such other order as he deems just.

5.—(1) The Board may pass by-laws not contrary to this ^{Powers of Board} Act to regulate and govern its procedure and actions and the conduct and administration of the affairs of the Foundation.

(2) Without limiting the generality of subsection 1, the ^{Idem} Board may pass by-laws,

- (a) regulating the calling of and the procedure at meetings of the Board, and fixing the time and place of such meetings;
- (b) fixing the quorum of the Board;
- (c) regulating the appointment, functions, powers, duties, remuneration and removal of officers, servants and agents of the Foundation.

(3) Any by-law of the Board may be repealed or amended ^{Repeal and amendment of by-laws} by the Board in accordance with such rules or regulations as it may prescribe by by-law.

(4) By-laws of the Board shall require the approval ^{Approval} either at a meeting or in writing of the majority of the members of the Board.

6. The Foundation is hereby empowered, ^{Powers of Foundation}

- (a) to receive directly donations of, and hold, control and administer, real and personal property of every kind and description wherever situated;
- (b) to receive donations or the benefit of donations indirectly either by way of testamentary disposition or deed of trust or otherwise, and to use and expend or direct the using and expending of real or personal property of every kind and description, wherever situated, or the income therefrom;

- (c) except as hereinafter provided, to convert any property at any time and from time to time received and held by or on behalf of the Foundation into any other form and for that purpose to sell or cause and authorize the property to be sold, assigned, transferred, leased, exchanged or otherwise disposed of;
- (d) to pass on and entrust to one or more trust companies the custody and management of all or any part of the property at any time and from time to time received or held by the Foundation in such manner and in such proportions as the Board deems proper, and to enter into agreements with such trust companies with respect thereto;
- (e) to direct any trust company to manage and administer as a single fund and in such manner as the Board deems advisable any one or more donations held by such trust company for the purposes of the Foundation under any testamentary document or deed of trust or otherwise;
- (f) to lease any lands at any time held by the Foundation;
- (g) to pay and apply the net income in each year from all funds held directly or indirectly by it toward such charitable purposes within Ontario as the Board deems advisable;
- (h) to pay, apply and distribute such portion as it deems advisable of the capital of the funds, held directly or indirectly by it, to and for such charitable purposes within Ontario as it deems advisable provided that, unless otherwise specifically provided by the donor of any sum or fund, not more than a total of 10 per cent of the balance of the capital of the sum or fund shall be so distributed during any period of four consecutive years, and provided further that no distribution of capital shall be made without the unanimous consent of all directors, given in person at a meeting of the Board or if not present at a meeting then in writing within the sixty days next after the meeting;
- (i) except as hereinafter provided, to control the management and investment of all its funds; provided that, where a trust company is specifically appointed as trustee of any fund by any testamentary document or deed of trust or otherwise, such trust company shall have the physical custody of such fund and,

subject to the specific terms of any such document, shall invest and reinvest the same within the general policy of investment laid down by the Board; and provided further that the custody of all securities and the accounting therefor may be entrusted by the Board to one or more trust companies and thereupon any such trust company shall invest and reinvest the same within the general policy of investment laid down by the Board;

- (j) to direct the investment of all its funds, which are to be invested by the Foundation or by any trust company or other trustee, in investments authorized for the investment of funds of life insurance companies in Canada; provided that the Board may authorize and direct the retention of any specific assets donated or bequeathed to the Foundation by any testamentary document or deed of trust or otherwise for such length of time as the Board in its sole discretion deems advisable notwithstanding that it does not consist of assets in which the Foundation is authorized to invest by this Act, and the Foundation and the members of the Board shall under no circumstances be liable, nor shall any trust company or other trustee acting on the instructions of the Board be liable, for any loss or damage that may be suffered by reason of the retention of any such assets as aforesaid or the investment of any such moneys in accordance with the power and authority given in this clause;
- (k) to employ such person or persons, including trust companies, and to take such other action, as it deems advisable for the more efficient carrying out of the purposes of the Foundation, and such employees may be paid such reasonable compensation out of, and the Board may charge the expenses of any such other action to, the income or capital, or both, of the funds of the Foundation as the Board deems advisable;
- (l) to set aside, or in its discretion to refrain from setting aside, any part of the income received by it from securities taken or purchased as part of the funds of the Foundation at a premium, as a sinking fund to retire or amortize such premium, and to determine in its uncontrolled discretion in respect of all funds of the Foundation what shall be treated as income and what shall be treated as capital as to each respective transaction therein and to charge or apportion any losses or expenses to capital or income as it deems best;

- (m) to compromise, compound and adjust claims in favour of or against the property held or intended to be held by it, upon such terms and conditions as it deems just, expedient and proper.

Specific
powers

7.—(1) The Foundation may accept donations either directly or indirectly subject to the condition that the income or capital or both thereof shall be paid and applied to a specific charitable purpose, either for a specific or an indefinite period of time.

Proviso

(2) Subsection 1 applies only if the donation is also subject to the condition that, after the expiration of a specific or indefinite period of time or at any time, there shall be a discretionary power vested in the Board to pay or apply the income or capital of the donation to some other charitable purpose or that, if the Board is satisfied that conditions are such as to render it impractical or inefficient to expend all or any part of such moneys for such specific purpose, then upon the unanimous approval of the members of the Board given either at a meeting or in writing within sixty days next after the meeting and within the limits of the discretionary power all or any part of such moneys may be paid and applied to such other charitable purposes as the Board deems advisable.

Idem

(3) If any such donation is made subject to the condition that the income or capital or both shall be paid and applied to a specific charitable organization for a specific period of time, and if such specific charitable organization ceases to exist within the specific period of time, then for the balance of the period the income or capital or both shall be applied to such other charitable purpose as is directed by a Judge of the Supreme Court in accordance with the laws in force from time to time in Ontario.

Form of
words

8. Any form of words is sufficient to constitute a donation for the purposes of this Act so long as the donor indicates an intention to contribute presently or prospectively to the Foundation.

Nature of
donations

9. The Foundation may accept a donation notwithstanding that some portion of the benefit of the donation is directed to be applied to charitable purposes outside Ontario, if such portion of the benefit of the funds is directed to be applied to charitable purposes within Canada.

Treatment
of donations

10.—(1) Subject to subsection 2, all donations made directly or indirectly to the Foundation may be treated for all purposes as a general fund.

(2) In the case of a donation of \$25,000 or more, the donor ^{Idem} may require that such donation be maintained as a separate fund, in which case in each year thereafter a separate accounting thereof shall be set out in the annual audited report.

(3) Unless otherwise directed by testamentary document ^{Acknowledgments} or deed of trust or otherwise, all donations shall be publicly acknowledged, in the year following that in which they are made, by being set out in the annual audited report.

(4) Unless otherwise directed by testamentary document ^{Idem} or deed of trust or otherwise, donations from any one person shall be publicly acknowledged in every year following their receipt by being set out in the annual audited report provided that if one person makes more than one donation then only the total of that person's donations, as they may be from time to time, need be shown.

11.—(1) The Foundation shall cause an audit to be made ^{Audit} at least once in every fiscal year, by an independent auditor who shall be either a Chartered Accountant or a Certified Public Accountant, of the receipts and disbursements of the funds of the Foundation.

(2) The audit shall include all assets held by the Foundation ^{Idem} or any trust company on its behalf, or held by any trustee in trust for the Foundation and, notwithstanding that any such funds may be held by a trustee pursuant to the provisions of a testamentary document or deed of trust, such trustee shall give an accounting thereof to the auditor of the Foundation in each year.

(3) The Foundation shall cause to be published in the newspaper published in the City of Toronto, Ontario, reputed to have the largest circulation therein, a certified statement by the auditor setting out the receipts and disbursements and capital assets of the Foundation or held in trust for the Foundation. ^{Publication of statement}

(4) The statement shall show separately the receipts and disbursements and capital assets of any fund which is held separately but with respect to other assets may show the same as a general fund. ^{Contents of statement}

(5) The statement shall set out in detail the purposes for ^{Idem} which the income has been used and the expenses of the Foundation, all in accordance with good accounting practice.

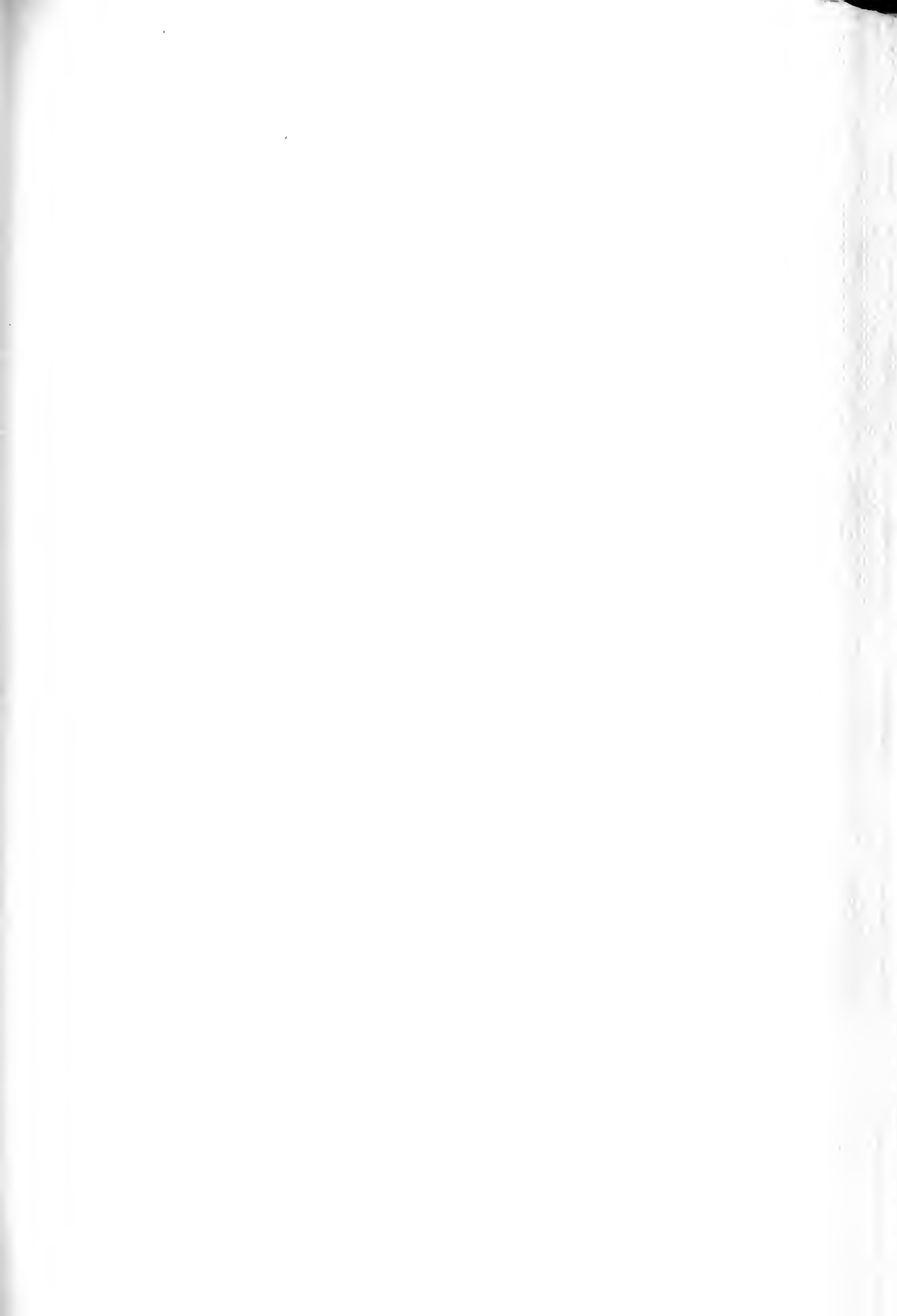
(6) The Board and any trust company or other trustee holding funds in trust for the Foundation shall give full ^{Information and inspection} information and permit all necessary inspection to enable such audit to be made.

Application of R.S.O. 1950, c. 50. (7) The Foundation shall be subject in all respects to *The Charities Accounting Act*.

Limitation on powers **12.** Any power conferred on the Foundation by this Act shall not be exercised in respect of any donation in contravention of any express provision to the contrary in the document of trust governing such donation.

Commencement **13.** This Act comes into force on the day it receives Royal Assent.

Short title **14.** This Act may be cited as *The Metropolitan Toronto Foundation Act, 1956*.



BILL

An Act to incorporate
The Metropolitan Toronto Foundation

1st Reading

February 16th, 1956

2nd Reading

March 12th, 1956

3rd Reading

March 14th, 1956

MR. GROSSMAN

No. 38

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act respecting Assumption College

MR. MURDOCH

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Assumption College

WHEREAS Assumption College by its petition has prayed for special legislation varying the provisions of its Act of incorporation in respect of the matters hereinafter set out and changing its name to Assumption University of Windsor; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The Assumption College Act, 1953* is repealed. 1953, c. 111,
s. 1, cl. *c*,
repealed

(2) The said section 1 is amended by adding thereto the following clause: 1953, c. 111,
s. 1,
amended

(*k*) "University" means Assumption University of Windsor.

2. Section 2 of *The Assumption College Act, 1953* is repealed and the following substituted therefor: 1953, c. 111,
s. 2, re-
enacted

2. The Corporation of Assumption College is hereby continued as a body corporate with perpetual succession under the name "Assumption University of Windsor" and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys, and, subject to the provisions of this Act, all by-laws, orders and regulations of the Corporation now in force shall continue in force until amended or repealed. Corporation
continued

3. Section 3 of *The Assumption College Act, 1953* is amended by adding thereto the following clause: 1953, c. 111,
s. 3,
amended

(*c*) The power to affiliate with or take into affiliation other universities, colleges and institutions of learning.

1953, c. 111,
s. 15, subs. 1,
re-enacted **4.** Subsection 1 of section 15 of *The Assumption College Act, 1953* is repealed and the following substituted therefor:

Chancellor (1) There shall be a Chancellor of the University who shall be elected by the Board of Governors and who shall hold office for a term of four years and shall be eligible for re-election for one further term of four years.

1953, c. 111,
s. 24, re-
enacted **5.** Section 24 of *The Assumption College Act, 1953* is repealed and the following substituted therefor:

Short title 24. This Act may be cited as *The Assumption University of Windsor Act, 1953*.

1953, c. 111,
amended **6.** *The Assumption College Act, 1953* is amended by striking out "College" wherever it occurs in sections 1 to 21 respectively and inserting in lieu thereof "University".

Agreement
with Essex
College
ratified **7.** The agreement between Assumption College and Essex College bearing date the 24th day of January, 1956, set forth as the Schedule hereto, is hereby ratified and confirmed, and declared to be legal, valid and binding upon the parties thereto, and the said parties are hereby empowered to carry out their respective obligations and exercise their respective privileges thereunder.

Commence-
ment **8.** This Act comes into force on the day it receives Royal Assent.

Short title **9.** This Act may be cited as *The Assumption University of Windsor Act, 1956*.

SCHEDULE

ARTICLES OF AGREEMENT made in duplicate this 24th day of January, 1956.

BETWEEN:

ASSUMPTION COLLEGE, a body corporate with head office at the City of Windsor, in the County of Essex and Province of Ontario, hereinafter called "Assumption College",

—and—

ESSEX COLLEGE, a body corporate with head office at the said City of Windsor, hereinafter called "Essex College".

WHEREAS Assumption College, incorporated by an Act entitled An Act to Incorporate Assumption College, Sandwich, in the Diocese of London, being Chapter 136 of the Statutes of the Province of Canada, 1858, having conducted and maintained an institution of learning for nearly 100 years, under the direction and control of the Congregation of St. Basil, was granted university powers by The Assumption College Act, 1953, being Chapter 111 of the Statutes of the Province of Ontario, 1953;

AND WHEREAS Essex College, incorporated under The Corporations Act, 1953, of the Province of Ontario, with the object of conducting and maintaining a non-denominational institution of learning but without the power to confer degrees, has petitioned Assumption College for the status of an affiliated College of Pure Science;

AND WHEREAS such petition, having received the favourable approval and acceptance of the Board of Governors, The Board of Regents and the Senate of Assumption College, is hereby granted;

AND WHEREAS the parties hereto desire to effect through a spirit of co-operation a permanent enlargement of the opportunities for university education in the City of Windsor and its environs.

WITNESSETH in consideration of the mutual promises, covenants, agreements and declarations hereinafter made, the parties hereto, their successors and assigns, respectively, do hereby promise, covenant, agree and declare as follows:

1. Essex College is hereby granted the status of, and does hereby agree to become an affiliated college in the Faculty of Arts and Science of Assumption College.

2. Assumption College shall confer upon Essex College students who become entitled such university degrees and other awards as the Senate of Assumption College shall from time to time determine. The membership of the aforesaid Senate shall be comprised of such persons as determined by the said Assumption College Act, 1953, provided such other persons as the Board of Governors of Assumption College may determine pursuant to Section 18, Subsection 1 (i) of said Act in this paragraph mentioned shall during the affiliation aforesaid, unless otherwise agreed, comprise the following persons and no others: The Principal of each constituent and affiliated college; the Vice-President of Assumption College; the head of each department; the Director of Education of Windsor; the Medical Officer of Health of Windsor; the Chief Librarian of Windsor; the Senior Judge of Essex County; the representative of the Ontario Department of Agriculture in Essex County; two representatives appointed by each of the following: Windsor City Council, Essex County Council and Windsor Board of Education; one representative appointed by each of the following: Chatham City Council; Sarnia City Council; Essex County Medical Association; Essex County Dental Association;

Essex County Law Association; Essex County Pharmacists' Association; Windsor Chapter, Society of Industrial and Cost Accountants of Ontario; Windsor District Chartered Accountants' Association; Border Cities Branch, Engineering Institute of Canada; Essex-Kent Section, Chemical Institute of Canada; Essex Chapter, Registered Nurses Association of Ontario; District One, Ontario Secondary School Teachers Federation; Windsor Chamber of Commerce; Windsor Council of Churches; Roman Catholic Cemetery of Essex; Congregation Shaar Hashomayim; Windsor Jewish Community Council; Windsor Separate School Board; University Women's Club of Windsor; Essex and Kent Counties Trades and Labour Congress; Local 195 UAW-CIO, Local 200 UAW-CIO; the High School Inspectors of Essex and Kent Counties; the Public School Inspectors of Essex and Kent Counties; the Separate School Inspectors of Essex and Kent Counties; and ten representatives appointed by the said Senate.

3. Membership in the Board of Regents of Assumption College shall afford representation to the community of Windsor and the surrounding area with due regard to the economic, ethnic and religious composition of such community. The objects and duties of such Board shall be advisory in the general direction of university effort with particular reference to finance, public relation and integration of a university program. Future appointments to the Board of Regents shall be made in accordance with the constitution of such Board, which constitution shall be enacted as a by-law of Assumption College, and shall have due regard to the interests of Essex College and all other affiliated colleges.

4. Membership in Essex College and the Board of Directors thereof shall afford representation to the community of Windsor and the surrounding area with due regard to the economic, ethnic and religious composition of such community. The President of Assumption College shall be ex-officio a member of the Board of Directors of Essex College.

5. Financial control of Assumption College shall belong to and be maintained by the Board of Governors of Assumption College after hearing the recommendations of the Board of Regents of Assumption College; financial control of Essex College shall belong to and be maintained by the Board of Directors of Essex College; for interlocking financial arrangements, a committee composed of members in equal numbers appointed by the Board of Governors of Assumption College and the Board of Directors of Essex College shall be established who may make recommendations to the Boards of both colleges in interlocking financial matters.

6. Public appeals for money or other contributions shall be undertaken by either Assumption College or Essex College only with the written approval of the Board of Regents of Assumption College evidenced by a copy of the resolution authorizing such appeal or appeals; each college shall retain as its own property any and all gifts, bequests, devises, scholarships, endowments or grants of any kind which may from time to time be made to it. Grants made to a particular academic department shall belong to the college which at that time has the responsibility for such academic department.

7. Unless and until otherwise mutually agreed, Assumption College under the responsibility of its Board of Governors shall assume the following departments or courses in an academic unit to be known as University College, that is, Classics, Economics and Political Science, English, History, modern Languages, Philosophy, Psychology, Slavonic Studies, Sociology and Theology, and Essex College shall assume the following courses or departments, that is, Biology, Botany, Chemistry, Geography, Geology, Mathematics, Physics and Zoology; until distinct faculties or schools are established by the Senate and Board of Governors of Assumption College, University College shall assume the following departments or courses, that is, Home Economics, Library Science, Music and Fine Arts and Essex College shall assume the following courses or departments, that is, Business Administration, Engineering and Nursing Education. The aforesaid academic responsibilities shall not be duplicated by the parties hereto but may be revised from time to time upon mutual agreement; unless and until otherwise mutually agreed, all students until the completion of their second year beyond the Senior Matriculation level will be called University College students, and Essex College will be regarded, so far as students are concerned not departments as a Senior College of Science.

8. Each college shall have power to appoint its own instructional staff; appointments and promotions of staff members shall be made in accordance with established university procedure and with the rules of academic qualification determined by the Senate of Assumption College; a uniform salary schedule in accordance with the practice of similar institutions shall be maintained where reasonably possible; instructors of professorial rank shall enjoy tenure.

9. Essex College shall engage as members of its first instructional staff all of those present staff members of Assumption College engaged in those departments or courses which are to be assumed by Essex College and does hereby guarantee that such persons shall enjoy the same benefits to which they are now entitled.

10. Essex College shall assume such share of responsibility as may be agreed upon for the maintenance of certain facilities determined by mutual agreement owned by Assumption College and shared by the students of Essex College in common with the students of University College and other affiliated colleges; Essex College shall not be obligated to assume responsibility for additional facilities unless by express agreement; each college shall pay to the other for such services as may be rendered to students of one by the other such amounts for compensation as may be from time to time mutually agreed upon; Essex College shall pay to Assumption College for services rendered by members of religious orders on the staff of Essex College such amounts for compensation as may be from time to time agreed upon in accordance with the Salary schedule for such services.

11. Assumption College shall give to Essex College and other affiliated colleges adequate notice of meetings of the Board of Governors when dealing with the affairs of the university as a whole as distinct from matters concerning University College and shall permit attendance of representatives of Essex College and other affiliated colleges at such meetings.

12. In the event affiliation shall be discontinued, Assumption College shall have the right to purchase from Essex College at the fair market value thereof as determined by independent appraisal or at such price as the parties hereto may agree upon all buildings erected by Essex College on lands leased from Assumption College.

13. The within agreement shall remain in full force and effect until the 30th day of June, 1961, and thereafter for successive 5-year periods unless and until either party has given notice to the other of its desire to modify, alter or amend the within agreement as hereinafter provided. Either party may, on or before the 24th day of January, 1960, or on or before the 24th day of January in the fourth year of any succeeding 5-year period, give written notice to the other of its desire to modify, alter or amend, in which event, unless the parties hereto have agreed to modify, alter or amend the within agreement by the 30th day of June, 1960, or the 30th day of June in the fourth year of any succeeding 5-year period, the same shall be concluded on the 30th day of June, 1961, or on the 30th day of June in the fifth year of any succeeding 5-year period.

14. This agreement is binding upon and shall enure to the benefit of the parties hereto, their successors and assigns, respectively.

IN WITNESS WHEREOF the said parties hereto have hereunto set their corporate seal and hands and seals, respectively, the day and the year first above written.

ASSUMPTION COLLEGE

E. C. LEBEL,
President.
P. J. M. SWAN,
Secretary.

ESSEX COLLEGE

(Seal) W. D. ARISON,
President.
WM. WHITESIDE,
Secretary.

BILL

An Act respecting Assumption College

1st Reading

February 16th, 1956

2nd Reading

3rd Reading

MR. MURDOCH

(Private Bill)

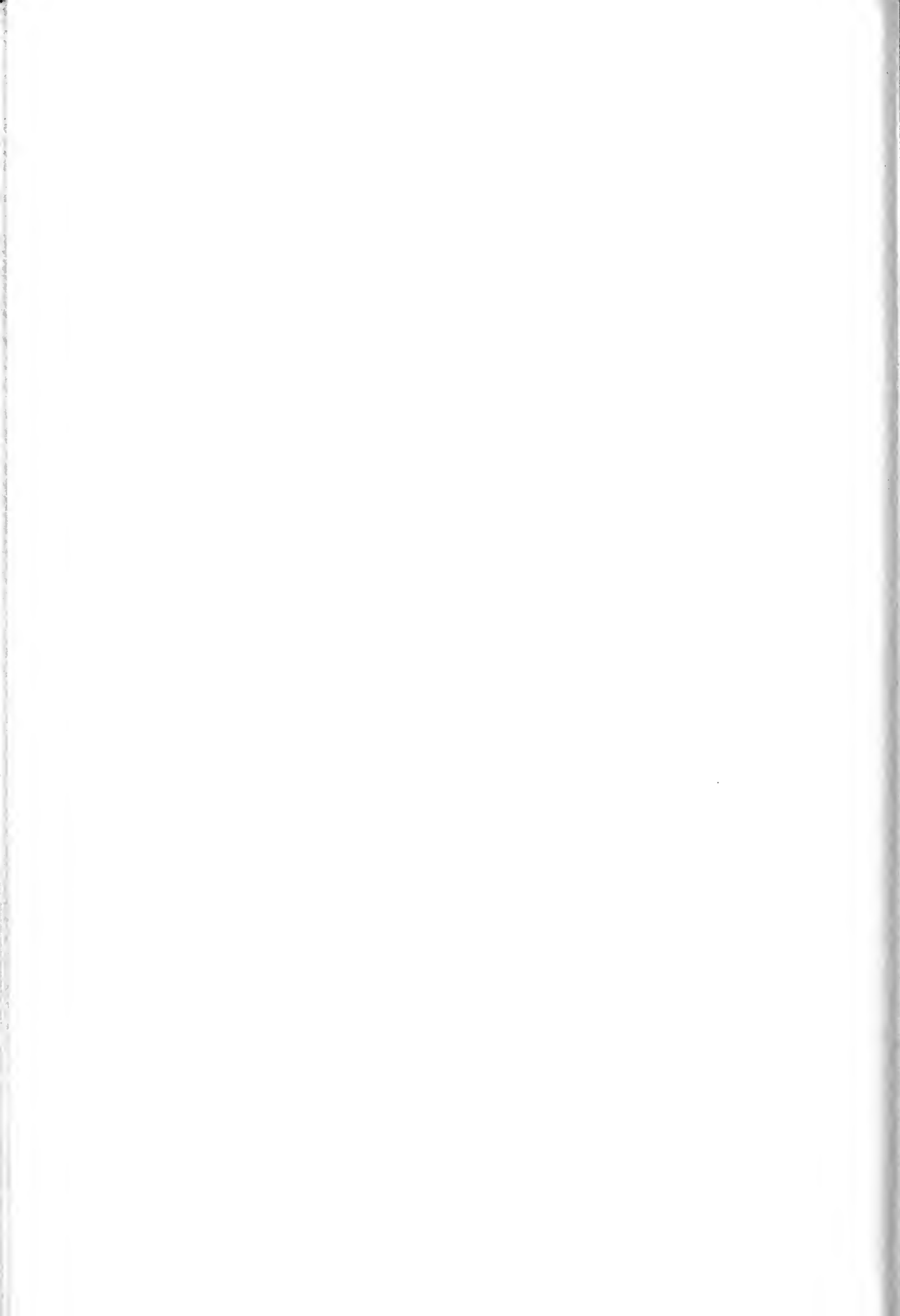
No. 38

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
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MR. MURDOCH

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BILL

An Act respecting Assumption College

WHEREAS Assumption College by its petition has prayed for special legislation varying the provisions of its Act of incorporation in respect of the matters hereinafter set out and changing its name to Assumption University of Windsor; and whereas it is expedient to grant the prayer of the petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The Assumption College Act, 1953* is repealed. 1953, c. 111,
s. 1, cl. *c*,
repealed

(2) The said section 1 is amended by adding thereto the following clause: 1953, c. 111,
s. 1,
amended

(*k*) "University" means Assumption University of Windsor.

2. Section 2 of *The Assumption College Act, 1953* is repealed and the following substituted therefor: 1953, c. 111,
s. 2, re-
enacted

2. The Corporation of Assumption College is hereby continued as a body corporate with perpetual succession under the name "Assumption University of Windsor" and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys, and, subject to the provisions of this Act, all by-laws, orders and regulations of the Corporation now in force shall continue in force until amended or repealed. Corporation
continued

3. Section 3 of *The Assumption College Act, 1953* is amended by adding thereto the following clause: 1953, c. 111,
s. 3,
amended

(*c*) The power to affiliate with or take into affiliation other universities, colleges and institutions of learning.

1953, c. 111,
s. 15, subs. 1,
re-enacted

4. Subsection 1 of section 15 of *The Assumption College Act, 1953* is repealed and the following substituted therefor:

Chancellor

- (1) There shall be a Chancellor of the University who shall be elected by the Board of Governors and who shall hold office for a term of four years and shall be eligible for re-election for one further term of four years.

1953, c. 111,
s. 24, re-
enacted

5. Section 24 of *The Assumption College Act, 1953* is repealed and the following substituted therefor:

Short title

24. This Act may be cited as *The Assumption University of Windsor Act, 1953*.

1953, c. 111,
amended

6. *The Assumption College Act, 1953* is amended by striking out "College" wherever it occurs in sections 1 to 21 respectively and inserting in lieu thereof "University".

Agreement
with Essex
College
ratified

7. The agreement between Assumption College and Essex College bearing date the 24th day of January, 1956, set forth as the Schedule hereto, is hereby ratified and confirmed, and declared to be legal, valid and binding upon the parties thereto, and the said parties are hereby empowered to carry out their respective obligations and exercise their respective privileges thereunder.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Assumption University of Windsor Act, 1956*.

SCHEDULE

ARTICLES OF AGREEMENT made in duplicate this 24th day of January, 1956.

BETWEEN:

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—and—

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AND WHEREAS Essex College, incorporated under The Corporations Act, 1953, of the Province of Ontario, with the object of conducting and maintaining a non-denominational institution of learning but without the power to confer degrees, has petitioned Assumption College for the status of an affiliated College of Pure Science;

AND WHEREAS such petition, having received the favourable approval and acceptance of the Board of Governors, The Board of Regents and the Senate of Assumption College, is hereby granted;

AND WHEREAS the parties hereto desire to effect through a spirit of co-operation a permanent enlargement of the opportunities for university education in the City of Windsor and its environs.

WITNESSETH in consideration of the mutual promises, covenants, agreements and declarations hereinafter made, the parties hereto, their successors and assigns, respectively, do hereby promise, covenant, agree and declare as follows:

1. Essex College is hereby granted the status of, and does hereby agree to become an affiliated college in the Faculty of Arts and Science of Assumption College.

2. Assumption College shall confer upon Essex College students who become entitled such university degrees and other awards as the Senate of Assumption College shall from time to time determine. The membership of the aforesaid Senate shall be comprised of such persons as determined by the said Assumption College Act, 1953, provided such other persons as the Board of Governors of Assumption College may determine pursuant to Section 18, Subsection 1 (i) of said Act in this paragraph mentioned shall during the affiliation aforesaid, unless otherwise agreed, comprise the following persons and no others: The Principal of each constituent and affiliated college; the Vice-President of Assumption College; the head of each department; the Director of Education of Windsor; the Medical Officer of Health of Windsor; the Chief Librarian of Windsor; the Senior Judge of Essex County; the representative of the Ontario Department of Agriculture in Essex County; two representatives appointed by each of the following: Windsor City Council, Essex County Council and Windsor Board of Education; one representative appointed by each of the following: Chatham City Council; Sarnia City Council; Essex County Medical Association; Essex County Dental Association;

Essex County Law Association; Essex County Pharmacists' Association; Windsor Chapter, Society of Industrial and Cost Accountants of Ontario; Windsor District Chartered Accountants' Association; Border Cities Branch, Engineering Institute of Canada; Essex-Kent Section, Chemical Institute of Canada; Essex Chapter, Registered Nurses Association of Ontario; District One, Ontario Secondary School Teachers Federation; Windsor Chamber of Commerce; Windsor Council of Churches; Roman Catholic Deanery of Essex; Congregation Shaar Hashomayim; Windsor Jewish Community Council; Windsor Separate School Board; University Women's Club of Windsor; Essex and Kent Counties Trades and Labour Congress; Local 195 UAW-CIO, Local 200 UAW-CIO; the High School Inspectors of Essex and Kent Counties; the Public School Inspectors of Essex and Kent Counties; the Separate School Inspectors of Essex and Kent Counties; and ten representatives appointed by the said Senate.

3. Membership in the Board of Regents of Assumption College shall afford representation to the community of Windsor and the surrounding area with due regard to the economic, ethnic and religious composition of such community. The objects and duties of such Board shall be advisory in the general direction of university effort with particular reference to finance, public relation and integration of a university program. Future appointments to the Board of Regents shall be made in accordance with the constitution of such Board, which constitution shall be enacted as a by-law of Assumption College, and shall have due regard to the interests of Essex College and all other affiliated colleges.

4. Membership in Essex College and the Board of Directors thereof shall afford representation to the community of Windsor and the surrounding area with due regard to the economic, ethnic and religious composition of such community. The President of Assumption College shall be ex-officio a member of the Board of Directors of Essex College.

5. Financial control of Assumption College shall belong to and be maintained by the Board of Governors of Assumption College after hearing the recommendations of the Board of Regents of Assumption College; financial control of Essex College shall belong to and be maintained by the Board of Directors of Essex College; for interlocking financial arrangements, a committee composed of members in equal numbers appointed by the Board of Governors of Assumption College and the Board of Directors of Essex College shall be established who may make recommendations to the Boards of both colleges in interlocking financial matters.

6. Public appeals for money or other contributions shall be undertaken by either Assumption College or Essex College only with the written approval of the Board of Regents of Assumption College evidenced by a copy of the resolution authorizing such appeal or appeals; each college shall retain as its own property any and all gifts, bequests, devises, scholarships, endowments or grants of any kind which may from time to time be made to it. Grants made to a particular academic department shall belong to the college which at that time has the responsibility for such academic department.

7. Unless and until otherwise mutually agreed, Assumption College under the responsibility of its Board of Governors shall assume the following departments or courses in an academic unit to be known as University College, that is, Classics, Economics and Political Science, English, History, modern Languages, Philosophy, Psychology, Slavonic Studies, Sociology and Theology, and Essex College shall assume the following courses or departments, that is, Biology, Botany, Chemistry, Geography, Geology, Mathematics, Physics and Zoology; until distinct faculties or schools are established by the Senate and Board of Governors of Assumption College, University College shall assume the following departments or courses, that is, Home Economics, Library Science, Music and Fine Arts and Essex College shall assume the following courses or departments, that is, Business Administration, Engineering and Nursing Education. The aforesaid academic responsibilities shall not be duplicated by the parties hereto but may be revised from time to time upon mutual agreement; unless and until otherwise mutually agreed, all students until the completion of their second year beyond the Senior Matriculation level will be called University College students, and Essex College will be regarded, so far as students are concerned not departments as a Senior College of Science.

8. Each college shall have power to appoint its own instructional staff; appointments and promotions of staff members shall be made in accordance with established university procedure and with the rules of academic qualification determined by the Senate of Assumption College; a uniform salary schedule in accordance with the practice of similar institutions shall be maintained where reasonably possible; instructors of professorial rank shall enjoy tenure.

9. Essex College shall engage as members of its first instructional staff all of those present staff members of Assumption College engaged in those departments or courses which are to be assumed by Essex College and does hereby guarantee that such persons shall enjoy the same benefits to which they are now entitled.

10. Essex College shall assume such share of responsibility as may be agreed upon for the maintenance of certain facilities determined by mutual agreement owned by Assumption College and shared by the students of Essex College in common with the students of University College and other affiliated colleges; Essex College shall not be obligated to assume responsibility for additional facilities unless by express agreement; each college shall pay to the other for such services as may be rendered to students of one by the other such amounts for compensation as may be from time to time mutually agreed upon; Essex College shall pay to Assumption College for services rendered by members of religious orders on the staff of Essex College such amounts for compensation as may be from time to time agreed upon in accordance with the Salary schedule for such services.

11. Assumption College shall give to Essex College and other affiliated colleges adequate notice of meetings of the Board of Governors when dealing with the affairs of the university as a whole as distinct from matters concerning University College and shall permit attendance of representatives of Essex College and other affiliated colleges at such meetings.

12. In the event affiliation shall be discontinued, Assumption College shall have the right to purchase from Essex College at the fair market value thereof as determined by independent appraisal or at such price as the parties hereto may agree upon all buildings erected by Essex College on lands leased from Assumption College.

13. The within agreement shall remain in full force and effect until the 30th day of June, 1961, and thereafter for successive 5-year periods unless and until either party has given notice to the other of its desire to modify, alter or amend the within agreement as hereinafter provided. Either party may, on or before the 24th day of January, 1960, or on or before the 24th day of January in the fourth year of any succeeding 5-year period, give written notice to the other of its desire to modify, alter or amend, in which event, unless the parties hereto have agreed to modify, alter or amend the within agreement by the 30th day of June, 1960, or the 30th day of June in the fourth year of any succeeding 5-year period, the same shall be concluded on the 30th day of June, 1961, or on the 30th day of June in the fifth year of any succeeding 5-year period.

14. This agreement is binding upon and shall enure to the benefit of the parties hereto, their successors and assigns, respectively.

IN WITNESS WHEREOF the said parties hereto have hereunto set their corporate seal and hands and seals, respectively, the day and the year first above written.

ASSUMPTION COLLEGE

E. C. LEBEL, *President.*
P. J. M. SWAN, *Secretary.*

ESSEX COLLEGE

(Seal) W. D. ARISON, *President.*
WM. WHITESIDE, *Secretary.*

BILL

An Act respecting Assumption College

1st Reading

February 16th, 1956

2nd Reading

February 24th, 1956

3rd Reading

March 14th, 1956

MR. MURDOCH

No. 39

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the County of Renfrew

MR. MALONEY

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 39

1956

BILL

An Act respecting the County of Renfrew

WHEREAS The Corporation of the County of Renfrew ^{Preamble} by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of The Corporation of the County of Renfrew ^{Debenture by-law authorized} is hereby authorized to pass a by-law, without the approval of the Ontario Municipal Board, to borrow the sum of \$250,000 upon debentures payable in not more than ten years for regrading and paving of 44.3 miles of county roads, such amount and the interest thereon shall be recoverable from that part of the County of Renfrew which constitutes the County Good Road System and such by-law when duly passed shall be legal, valid and binding upon The Corporation of the County of Renfrew.

2. This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.

3. This Act may be cited as *The County of Renfrew Act*, ^{Short title} 1956.

BILL.

An Act respecting the County of Renfrew

1st Reading

February 16th, 1956

2nd Reading

3rd Reading

MR. MALONEY

(*Private Bill*)

No. 39

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the County of Renfrew

MR. MALONEY

(Reprinted as amended by the Committee on Private Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 39

1956

BILL

An Act respecting the County of Renfrew

WHEREAS The Corporation of the County of Renfrew ^{Preamble} by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

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1. The council of The Corporation of the County of Renfrew ^{Debenture by-law authorized} is hereby authorized to pass a by-law, without the approval of the Ontario Municipal Board, to borrow the sum of \$250,000 upon debentures payable in not more than ten years for regrading and paving of 44.3 miles of county roads, such amount and the interest thereon shall be recoverable from that part of the County of Renfrew which constitutes from time to time the County Good Road System and such by-law when duly passed shall be legal, valid and binding upon The Corporation of the County of Renfrew.

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

3. This Act may be cited as *The County of Renfrew Act*, ^{Short title} 1956.

BILL

An Act respecting the County of Renfrew

1st Reading

February 16th, 1956

2nd Reading

3rd Reading

MR. MALONEY

*(Reprinted as amended by the
Committee on Private Bills)*

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act respecting the County of Renfrew

MR. MALONEY

No. 39

1956

BILL

An Act respecting the County of Renfrew

WHEREAS The Corporation of the County of Renfrew ^{Preamble} by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of The Corporation of the County of Renfrew ^{Debenture by-law authorized} is hereby authorized to pass a by-law, without the approval of the Ontario Municipal Board, to borrow the sum of \$250,000 upon debentures payable in not more than ten years for regrading and paving of 44.3 miles of county roads, such amount and the interest thereon shall be recoverable from that part of the County of Renfrew which constitutes from time to time the County Good Road System and such by-law when duly passed shall be legal, valid and binding upon The Corporation of the County of Renfrew.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The County of Renfrew Act*, ^{Short title} 1956.

BILL

An Act respecting the County of Renfrew

1st Reading

February 16th, 1956

2nd Reading

March 12th, 1956

3rd Reading

March 26th, 1956

MR. MALONEY

No. 40

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to repeal
The Entry of Horses at Exhibitions Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This Act, passed in 1891, is designed to prevent improper practices in connection with the entry of horses in harness races. These matters now are within the Rules of Racing of the Ontario Racing Commission and the Canadian Trotting Association.

The Act is obsolete and is therefore repealed.

No. 40

1956

BILL

An Act to repeal The Entry of Horses at Exhibitions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Entry of Horses at Exhibitions Act* is repealed.

R.S.O. 1050,
c. 115,
repealed

2. This Act may be cited as *The Entry of Horses at Exhibitions Repeal Act, 1956*.

Short title

BILL

An Act to repeal
The Entry of Horses at Exhibitions Act

1st Reading

January 31st, 1956

2nd Reading

3rd Reading

MR. ROBERTS

No. 40

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act to repeal
The Entry of Horses at Exhibitions Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act to repeal The Entry of Horses at Exhibitions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Entry of Horses at Exhibitions Act* is repealed. R.S.O. 1950,
c. 115,
repealed
2. This Act may be cited as *The Entry of Horses at Exhibitions Repeal Act, 1956*. Short title

BILL

An Act to repeal
The Entry of Horses at Exhibitions Act

1st Reading

January 31st, 1956

2nd Reading

February 6th, 1956

3rd Reading

February 27th, 1956

MR. ROBERTS

No. 41

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act to amend
The County Court Judges' Criminal Courts Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This new subsection provides statutory authority for the existing practice.

No. 41

1956

BILL

An Act to amend The County Court Judges' Criminal Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The County Court Judges' Criminal Courts Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 74, s. 1, amended

(3) The clerk of the peace for the county or district shall be the clerk of the court so constituted. Clerk of court

2. This Act may be cited as *The County Court Judges' Criminal Courts Amendment Act, 1956*. Short title

BILL

An Act to amend
The County Court Judges' Criminal
Courts Act

1st Reading

February 1st, 1956

2nd Reading

3rd Reading

MR. ROBERTS

No. 41

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

**An Act to amend
The County Court Judges' Criminal Courts Act**

MR. ROBERTS

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 41

1956

BILL

An Act to amend The County Court Judges' Criminal Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The County Court Judges' Criminal Courts Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 74, s. 1, amended

(3) The clerk of the peace for the county or district shall be the clerk of the court so constituted. Clerk of court

2. This Act may be cited as *The County Court Judges' Criminal Courts Amendment Act, 1956*. Short title

BILL

An Act to amend
The County Court Judges' Criminal
Courts Act

1st Reading

February 1st, 1956

2nd Reading

February 6th, 1956

3rd Reading

March 6th, 1956

MR. ROBERTS

No. 42

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Credit Unions Act, 1953

MR. ROBERTS

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Clauses *a*, *b* and *c* of the new subsection 2 now appear as clauses *c*, *d* and *e* of what will be subsection 1. As the clauses contain incidental powers only, it is thought they ought to be divorced from the two object clauses *a* and *b* of subsection 1 and appear in a separate subsection.

Clause *d* of the new subsection 2 is new. It is designed to remove any doubt as to the power of a credit union to make donations for the general advancement of the credit union movement. A number of such advances are being made from time to time.

SECTION 2. The amount of a share in a credit union cannot exceed \$10; it is usually \$5. The amendment provides that there is no liability by a member to the credit union for the balance of any partly paid share.

No. 42

1956

BILL

An Act to amend The Credit Unions Act, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *c*, *d* and *e* of section 4 of *The Credit Unions Act, 1953* are repealed. 1953, c. 26, s. 4, cls. *c-c*, repealed

(2) The said section 4 is amended by adding thereto the following subsection: 1953, c. 26, s. 4, amended

(2) As incidental and ancillary to the objects set out in subsection 1, a credit union may, Ancillary powers

- (a) make loans to other credit unions;
- (b) deposit moneys with and make loans to any league incorporated under section 49 provided that the amount so deposited or loaned does not exceed 25 per cent of its share capital and deposits;
- (c) invest moneys to an extent not exceeding 25 per cent of its share capital in the paid-up shares of other credit unions or of any league incorporated under section 49;
- (d) subject to confirmation by its members at an annual or special general meeting, make donations and gifts out of its surplus income or any undivided earnings, other than the guarantee fund, for the purpose of advancing the interests of the credit union or of credit unions generally.

2. Section 20 of *The Credit Unions Act, 1953*, as amended by section 5 of *The Credit Unions Amendment Act, 1954*, is further amended by adding thereto the following subsection: 1953, c. 26, s. 20, amended

- (3) A member is not liable to the credit union for shares subscribed for in excess of the amount actually paid thereon. Member's liability for shares

1953, c. 26,
s. 27, subs. 3
(1954, c. 17,
s. 9, subs. 2),
amended

3. Subsection 3 of section 27 of *The Credit Unions Act, 1953*, as re-enacted by subsection 2 of section 9 of *The Credit Unions Amendment Act, 1954*, is amended by striking out "or have on loan" in the second and third lines, so that the subsection shall read as follows:

Loans to
officers

- (3) No officer or member of a committee or of the board of directors of a credit union shall borrow an amount in excess of the aggregate of his fully paid-up shares and deposits unless such loan is approved by the directors and the supervisory committee in addition to the approval required by the credit committee.

1953, c. 26,
s. 30 (1954,
c. 17, s. 12),
subs. 1,
re-enacted

4.—(1) Subsection 1 of section 30 of *The Credit Unions Act, 1953*, as re-enacted by section 12 of *The Credit Unions Amendment Act, 1954*, is repealed and the following substituted therefor:

Supervisory
committee

- (1) Subject to subsection 15, every credit union shall at its first general meeting elect from its members a supervisory committee of three members, who shall not be members of the board of directors or the credit committee or officers of the credit union, and who shall hold office for such term as the by-laws prescribe and until their successors are elected.

1953, c. 26,
s. 30 (1954,
c. 17, s. 12),
amended

(2) The said section 30 is amended by adding thereto the following subsection:

Delegation
of powers
to board of
directors

- (15) Where a credit union pursuant to subsection 11 has passed a by-law appointing an auditor or auditors to perform the duties of the supervisory committee set forth in subsections 7 and 10, the by-law may delegate the remaining powers and duties of the supervisory committee to the board of directors and provide that so long as the by-law remains in force it is not necessary to elect the supervisory committee as required by subsection 1.

1953, c. 26,
s. 38,
re-enacted

5. Section 38 of *The Credit Unions Act, 1953* is repealed and the following substituted therefor:

Nomination
of successor

- 38.—(1) A member of a credit union over the age of sixteen years having on deposit and as payment for shares an amount not exceeding \$500 may by a writing signed by him and deposited with the credit union nominate any person to receive the money at his death and may from time to time by a further writing signed by him and deposited with the credit union alter or revoke such nomination or substitute a new nominee to receive the money at his death.

SECTION 3. The effect of the deletion of the words is to remove the necessity for certain approvals of certain types of loans.

SECTION 4—Subsection 1. At the present time the supervisory committee consists of "at least" three members. The three-member feature is now made mandatory in order to better accommodate the election in rotation and quorum features of subsections 2 and 3.

Subsection 2. The new subsection will obviate the necessity of appointing a supervisory committee where auditors have been appointed under subsection 11.

SECTION 5. The section as re-enacted restricts the power to nominate a successor to members over the age of 16 years and also authorizes a renomination and a revocation of a nomination.

SECTION 6. Section 39a is new. It is similar in principle to section 17 (6) of *The Collection Agencies Act*.

Section 40a is new. It gives statutory recognition to the well-established practice of paying dividends on shares held during the year rather than on those held at the end of the year.

SECTION 7. In some cases the present two-month period is not sufficiently long to enable the audited statement to be prepared.

SECTION 8. Self explanatory.

- (2) Upon receiving an affidavit of the death of a member, ^{Payment to successor} the director of the credit union may pay to the nominee the amount due to the deceased member.

6. *The Credit Unions Act, 1953* is amended by adding ^{1953, c. 26, amended} thereto the following sections:

- 39a. Where moneys are held by a credit union to the ^{Unclaimed credits} credit of one of its members by reason of a deposit made or shares held by such member and the credit union is unable after reasonable efforts to locate the person entitled to such moneys, the credit union shall pay such moneys to the Treasurer of Ontario and the Treasurer of Ontario may pay such moneys to the person entitled thereto upon satisfactory proof being furnished by such person that he is the person entitled to receive such moneys.

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- 40a. At each annual meeting a credit union may by ^{Dividends on shares held during year} resolution upon the recommendation of the board of directors declare a dividend payable to all members at the end of the previous fiscal year on the amounts paid in on shares held by such members at any time during the year as may be determined by the resolution.

7. Section 45 of *The Credit Unions Act, 1953*, as amended ^{1953, c. 26, s. 45, amended} by section 16 of *The Credit Unions Amendment Act, 1954*, is further amended by striking out "two" in the amendment of 1954 and inserting in lieu thereof "three", so that the section shall read as follows:

45. A credit union shall not later than three months ^{Annual statements} after the end of its fiscal year deliver to the registrar, in the form prescribed by him, an audited statement of its receipts and expenditures, assets and liabilities, and such statement shall also contain such other information as he may require.

8. Subsection 6 of section 49 of *The Credit Unions Act, 1953* is amended by striking out "50 cents" in the third line ^{1953, c. 26, s. 49, subs. 6, amended} and inserting in lieu thereof "\$1", so that the subsection shall read as follows:

- (6) A credit union that is a member of a league may by ^{Assessment of members for league} by-law provide for a yearly assessment of each of its members of an amount not to exceed \$1, which amounts shall be forwarded to the league to assist in its financing.

9. This Act may be cited as *The Credit Unions Amendment Act, 1956*. ^{Short title}

BILL

An Act to amend
The Credit Unions Act, 1953

1st Reading

February 1st, 1956

2nd Reading

3rd Reading

MR. ROBERTS

No. 42

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Credit Unions Act, 1953

MR. ROBERTS

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 42

1956

BILL

An Act to amend The Credit Unions Act, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *c, d* and *e* of section 4 of *The Credit Unions Act, 1953* are repealed. 1953, c. 26, s. 4, cls. c-e, repealed

(2) The said section 4 is amended by adding thereto the following subsection: 1953, c. 26 s. 4, amended

(2) As incidental and ancillary to the objects set out in subsection 1, a credit union may, Ancillary powers

- (a) make loans to other credit unions;
- (b) deposit moneys with and make loans to any league incorporated under section 49 provided that the amount so deposited or loaned does not exceed 25 per cent of its share capital and deposits;
- (c) invest moneys to an extent not exceeding 25 per cent of its share capital in the paid-up shares of other credit unions or of any league incorporated under section 49;
- (d) subject to confirmation by its members at an annual or special general meeting, make donations and gifts out of its surplus income or any undivided earnings, other than the guarantee fund, for the purpose of advancing the interests of the credit union or of credit unions generally.

2. Section 20 of *The Credit Unions Act, 1953*, as amended by section 5 of *The Credit Unions Amendment Act, 1954*, is further amended by adding thereto the following subsection: 1953, c. 26, s. 20, amended

- (3) A member is not liable to the credit union for shares subscribed for in excess of the amount actually paid thereon. Member's liability for shares

1953, c. 26,
s. 27, subss. 3
(1954, c. 17,
s. 9, subss. 2),
amended

3. Subsection 3 of section 27 of *The Credit Unions Act, 1953*, as re-enacted by subsection 2 of section 9 of *The Credit Unions Amendment Act, 1954*, is amended by striking out "or have on loan" in the second and third lines, so that the subsection shall read as follows:

Loans to
officers

- (3) No officer or member of a committee or of the board of directors of a credit union shall borrow an amount in excess of the aggregate of his fully paid-up shares and deposits unless such loan is approved by the directors and the supervisory committee in addition to the approval required by the credit committee.

1953, c. 26,
s. 30 (1954,
c. 17, s. 12),
subss. 1,
re-enacted

4.—(1) Subsection 1 of section 30 of *The Credit Unions Act, 1953*, as re-enacted by section 12 of *The Credit Unions Amendment Act, 1954*, is repealed and the following substituted therefor:

Supervisory
committee

- (1) Subject to subsection 15, every credit union shall at its first general meeting elect from its members a supervisory committee of three members, who shall not be members of the board of directors or the credit committee or officers of the credit union, and who shall hold office for such term as the by-laws prescribe and until their successors are elected.

1953, c. 26,
s. 30 (1954,
c. 17, s. 12),
amended

(2) The said section 30 is amended by adding thereto the following subsection:

Delegation
of powers
to board of
directors

- (15) Where a credit union pursuant to subsection 11 has passed a by-law appointing an auditor or auditors to perform the duties of the supervisory committee set forth in subsections 7 and 10, the by-law may delegate the remaining powers and duties of the supervisory committee to the board of directors and provide that so long as the by-law remains in force it is not necessary to elect the supervisory committee as required by subsection 1.

1953, c. 26,
s. 38,
re-enacted

5. Section 38 of *The Credit Unions Act, 1953* is repealed and the following substituted therefor:

Nomination
of successor

- 38.**—(1) A member of a credit union over the age of sixteen years having on deposit and as payment for shares an amount not exceeding \$500 may by a writing signed by him and deposited with the credit union nominate any person to receive the money at his death and may from time to time by a further writing signed by him and deposited with the credit union alter or revoke such nomination or substitute a new nominee to receive the money at his death.

- (2) Upon receiving an affidavit of the death of a member, ^{Payment to successor} the directors of the credit union may pay to the nominee the amount due to the deceased member.

6. *The Credit Unions Act, 1953* is amended by adding ^{1953, c. 26, amended} thereto the following sections:

- 39a. Where moneys are held by a credit union to the credit of one of its members by reason of a deposit made or shares held by such member and the credit union is unable after reasonable efforts to locate the person entitled to such moneys, the credit union may pay such moneys to the Treasurer of Ontario and the Treasurer of Ontario may pay such moneys to the person entitled thereto upon satisfactory proof being furnished by such person that he is the person entitled to receive such moneys. ^{Unclaimed credits}

.

- 40a. At each annual meeting a credit union may by resolution upon the recommendation of the board of directors declare a dividend payable to all members at the end of the previous fiscal year on the amounts paid in on shares held by such members at any time during the year as may be determined by the resolution. ^{Dividends on shares held during year}

7. Section 45 of *The Credit Unions Act, 1953*, as amended ^{1953, c. 26, s. 45, amended} by section 16 of *The Credit Unions Amendment Act, 1954*, is further amended by striking out "two" in the amendment of 1954 and inserting in lieu thereof "three", so that the section shall read as follows:

45. A credit union shall not later than three months after the end of its fiscal year deliver to the registrar, in the form prescribed by him, an audited statement of its receipts and expenditures, assets and liabilities, and such statement shall also contain such other information as he may require. ^{Annual statements}

8. Subsection 6 of section 49 of *The Credit Unions Act, 1953* is amended by striking out "50 cents" in the third line ^{1953, c. 26, s. 49, subs. 6, amended} and inserting in lieu thereof "\$1", so that the subsection shall read as follows:

- (6) A credit union that is a member of a league may by ^{Assessment of members for league} by-law provide for a yearly assessment of each of its members of an amount not to exceed \$1, which amounts shall be forwarded to the league to assist in its financing.

9. This Act may be cited as *The Credit Unions Amendment Act, 1956*. ^{Short title}



BILL

An Act to amend
The Credit Unions Act, 1953

1st Reading

February 1st, 1956

2nd Reading

February 6th, 1956

3rd Reading

March 14th, 1956

MR. ROBERTS

No. 43

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act to amend The Crown Witnesses Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The fee allowed Crown witnesses attending trial of indictable offences is increased from \$3 a day to \$4 a day to bring it into line with the witness fee in summary conviction cases under the new *Criminal Code*.

No. 43

1956

BILL

An Act to amend The Crown Witnesses Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 1 of the Schedule to *The Crown Witnesses Act* is amended by striking out "\$3" in the first line and inserting in lieu thereof "\$4". R.S.O. 1950,
c. 83,
Sched.,
par. 1,
amended
2. This Act comes into force on the 1st day of April, 1956. Commence-
ment
3. This Act may be cited as *The Crown Witnesses Amendment Act, 1956*. Short title

BILL

An Act to amend
The Crown Witnesses Act

1st Reading

February 1st, 1956

2nd Reading

3rd Reading

MR. ROBERTS

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Crown Witnesses Act

MR. ROBERTS

(Reprinted as amended by the Committee on Legal Bills)

EXPLANATORY NOTE

The fee allowed Crown witnesses attending trial of indictable offences is increased from \$3 a day to \$4 a day and the automobile allowance to Crown witnesses is increased from 8 cents a mile to 10 cents a mile. The amendments will bring the witness fee and automobile allowance under *The Crown Witnesses Act* into line with the witness fee and automobile allowance paid under *The Summary Convictions Act*.

No. 43

1956

BILL

An Act to amend The Crown Witnesses Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 1 of the Schedule to *The Crown Witnesses Act* is amended by striking out “\$3” in the first line and inserting in lieu thereof “\$4”. R.S.O. 1950,
c. 83,
Sched.,
par. 1,
amended

(2) Paragraph 2 of the said Schedule is amended by striking out “8” in the third line and inserting in lieu thereof “10”. R.S.O. 1950,
c. 83,
Sched.,
par. 2,
amended

2. This Act comes into force on the 1st day of April, 1956. Commence-
ment

3. This Act may be cited as *The Crown Witnesses Amendment Act, 1956*. Short title

BILL

An Act to amend
The Crown Witnesses Act

1st Reading

February 1st, 1956

2nd Reading

February 6th, 1956

3rd Reading

MR. ROBERTS

(Reprinted as amended by
the Committee on Legal Bills)

No. 43

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act to amend The Crown Witnesses Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 43

1956

BILL

An Act to amend The Crown Witnesses Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 1 of the Schedule to *The Crown Witnesses Act* is amended by striking out “\$3” in the first line and inserting in lieu thereof “\$4”. R.S.O. 1950, c. 83, Sched., par. 1, amended

(2) Paragraph 2 of the said Schedule is amended by striking out “8” in the third line and inserting in lieu thereof “10”. R.S.O. 1950, c. 83, Sched., par. 2, amended

2. This Act comes into force on the 1st day of April, 1956. Commencement

3. This Act may be cited as *The Crown Witnesses Amendment Act, 1956*. Short title

BILL

An Act to amend
The Crown Witnesses Act

1st Reading

February 1st, 1956

2nd Reading

February 6th, 1956

3rd Reading

March 6th, 1956

MR. ROBERTS

No. 44

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Jurors Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The Act at present provides that two justices of the peace be present at the drafting of panels from jury lists.

Hereafter the panels will be drafted by the sheriff in the presence of the clerk of the peace.

No. 44

1956

BILL

An Act to amend The Jurors Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 57 of *The Jurors Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 191, s. 57,
re-enacted

57. Upon receipt of the precept, the sheriff shall post up in his office, and also on the door of the court house of the county, or if there is no court house, then in some other public place, written notice of the day and hour at which he will attend at the office of the clerk of the peace to draft the panel of jurors, and at that time and place and in the presence of the clerk of the peace, he shall draft the panel by ballot from the jury list. Sheriff
to give
notice and
draft panel

2.—(1) Paragraph 1 of section 61 of *The Jurors Act* is amended by striking out "or one of the justices of the peace" in the seventh line, so that the paragraph shall read as follows: R.S.O. 1950,
c. 191, s. 61,
par. 1,
amended

1. The sheriff shall place the ballot papers in a box or urn, and shall cause it to be shaken so as sufficiently to mix the ballot papers, and he shall then openly draw from the box or urn indiscriminately one of the ballot papers, and declare openly the number on such ballot paper, whereupon the clerk of the peace shall immediately declare aloud the name of the person opposite whose name the corresponding number is placed on the jury list.

(2) Paragraph 6 of the said section 61 is amended by striking out "and justices of the peace" in the fifth line, by striking out "or of at least two of them" in the sixth line and by striking out "and the justices, or at least two of them" in the ninth and tenth lines, so that the paragraph shall read as follows: R.S.O. 1950,
c. 191, s. 61,
par. 6,
amended

6. The panel so alphabetically arranged and numbered, with a short statement of the precept in obedience to which it has been drafted, the date and place of such drafting, and the names of the sheriff, or his deputy, and of the clerk of the peace present at such drafting, shall then be entered in the juror's book, and attested by the signatures of the sheriff, or his deputy, and of the clerk of the peace.

Short title

3. This Act may be cited as *The Jurors Amendment Act, 1956*.

BILL

An Act to amend The Jurors Act

1st Reading

February 1st, 1956

2nd Reading

3rd Reading

MR. ROBERTS

No. 44

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act to amend The Jurors Act

MR. ROBERTS

(Reprinted as amended by the Committee on Legal Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

At present panels from jury lists are drafted in the presence of the sheriff, the clerk of the peace and two justices of the peace. There has been difficulty in obtaining the services of two justices of the peace to attend at the drafting of these panels. This bill provides that only one justice of the peace be present together with the sheriff and the clerk of the peace and that his remuneration be increased from \$1 to \$5 for each panel drafted.

A justice of the peace will be required to attend with the sheriff at the selection of jurors to be released from service before a jury sittings of a Supreme Court or county court. The justice of the peace in attendance will receive \$5 for each selection of jurors to be released.

BILL

An Act to amend The Jurors Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1a of section 47 of *The Jurors Act*, R.S.O. 1950, c. 191, s. 47, as enacted by subsection 1 of section 9 of *The Jurors Amendment Act, 1955*, is amended by inserting after “who” in the third line “in the presence of the clerk of the peace and a justice of the peace”, so that the subsection shall read as follows: subs. 1a (1955, c. 37, s. 9, subs. 1), amended

(1a) Where any number of jurors are to be released from service before the sittings under this section, the judge shall so advise the sheriff who, in the presence of the clerk of the peace and a justice of the peace, shall place all the cards upon which the names of the jurors are written in the box provided for that purpose and shall cause it to be thoroughly shaken and shall then withdraw from the box, one at a time, the number of cards equivalent to the number of jurors who are to be released, and the sheriff shall notify in writing the persons whose names appear on the cards that they are released. Selection of jurors to be released before sittings

(2) The said section 47, as amended by section 9 of *The Jurors Amendment Act, 1955*, is further amended by adding thereto the following subsection: R.S.O. 1950, c. 191, s. 47, amended

(1b) For each selection of jurors to be released from service before the sittings under this section, the justice of the peace in attendance shall receive the sum of \$5 from the treasurer of the county where the sittings take place upon receipt of the sheriff's certificate of such attendance. Remuneration of justice of the peace

2. Section 57 of *The Jurors Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 191, s. 57, re-enacted

Sheriff to
give notice
and draft
panel

57.—(1) Upon receipt of the precept, the sheriff shall post up in his office, and also on the door of the court house of the county, or if there is no court house, then in some other public place, written notice of the day and hour at which he will attend at the office of the clerk of the peace to draft the panel of jurors, and at that time and place he shall draft the panel by ballot from the jury list in the presence of the clerk of the peace and a justice of peace required to attend upon reasonable notice from the sheriff.

Remunera-
tion of
justice of
the peace

(2) For each panel drafted, the justice of the peace in attendance shall receive the sum of \$5 from the treasurer of the county for which the panels were drafted upon receipt of the sheriff's certificate of such attendance.

R.S.O. 1950,
c. 191, s. 61,
par. 1,
amended

3.—(1) Paragraph 1 of section 61 of *The Jurors Act* is amended by striking out "one of the justices of the peace" in the seventh line and inserting in lieu thereof "the justice of the peace in attendance", so that the paragraph shall read as follows:

1. The sheriff shall place the ballot papers in a box or urn, and shall cause it to be shaken so as sufficiently to mix the ballot papers, and he shall then openly draw from the box or urn indiscriminately one of the ballot papers, and declare openly the number on such ballot paper, whereupon the clerk of the peace, or the justice of the peace in attendance, shall immediately declare aloud the name of the person opposite whose name the corresponding number is placed on the jury list.

R.S.O. 1950,
c. 191, s. 61,
par. 6,
amended

(2) Paragraph 6 of the said section 61 is amended by striking out "justices of the peace" in the fifth line and inserting in lieu thereof "the justice of the peace" and by striking out "justices" in the ninth line and inserting in lieu thereof "justice of the peace", so that the paragraph shall read as follows:

6. The panel so alphabetically arranged and numbered, with a short statement of the precept in obedience to which it has been drafted, the date and place of such drafting, and the names of the sheriff, or his deputy, and of the clerk of the peace and the justice of the peace, present at such drafting, or of at least two of them, shall then be entered in the juror's book, and attested by the signatures of the sheriff, or his deputy, and of the clerk of the peace and the justice of the peace, or at least two of them.

4. Section 101 of *The Jurors Act* is amended by adding thereto the following item: R.S.O. 1950,
c. 191, s. 101,
amended

8a. For each selection of jurors to be released
before sittings of a court..... \$ 5.00

5. This Act may be cited as *The Jurors Amendment Act*, Short title
1956.



BILL

An Act to amend The Jurors Act

1st Reading

February 1st, 1956

2nd Reading

February 6th, 1956

3rd Reading

MR. ROBERTS

*(Reprinted as amended by the
Committee on Legal Bills)*

No. 44

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Jurors Act

MR. ROBERTS

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 44

1956

BILL

An Act to amend The Jurors Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1a of section 47 of *The Jurors Act*, R.S.O. 1950, c. 191, s. 47, as enacted by subsection 1 of section 9 of *The Jurors Amendment Act, 1955*, is amended by inserting after “who” in the third line “in the presence of the clerk of the peace and a justice of the peace”, so that the subsection shall read as follows: (1955, c. 37, s. 9, subs. 1), amended

(1a) Where any number of jurors are to be released from service before the sittings under this section, the judge shall so advise the sheriff who, in the presence of the clerk of the peace and a justice of the peace, shall place all the cards upon which the names of the jurors are written in the box provided for that purpose and shall cause it to be thoroughly shaken and shall then withdraw from the box, one at a time, the number of cards equivalent to the number of jurors who are to be released, and the sheriff shall notify in writing the persons whose names appear on the cards that they are released. Selection of jurors to be released before sittings

(2) The said section 47, as amended by section 9 of *The Jurors Amendment Act, 1955*, is further amended by adding thereto the following subsection: R.S.O. 1950, c. 191, s. 47, amended

(1b) For each selection of jurors to be released from service before the sittings under this section, the justice of the peace in attendance shall receive the sum of \$5 from the treasurer of the county where the sittings take place upon receipt of the sheriff's certificate of such attendance. Remuneration of justice of the peace

2. Section 57 of *The Jurors Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 191, s. 57, re-enacted

Sheriff to
give notice
and draft
panel

57.—(1) Upon receipt of the precept, the sheriff shall post up in his office, and also on the door of the court house of the county, or if there is no court house, then in some other public place, written notice of the day and hour at which he will attend at the office of the clerk of the peace to draft the panel of jurors, and at that time and place he shall draft the panel by ballot from the jury list in the presence of the clerk of the peace and a justice of peace required to attend upon reasonable notice from the sheriff.

Remunera-
tion of
justice of
the peace

(2) For each panel drafted, the justice of the peace in attendance shall receive the sum of \$5 from the treasurer of the county for which the panels were drafted upon receipt of the sheriff's certificate of such attendance.

R.S.O. 1950,
c. 191, s. 61,
par. 1,
amended

3.—(1) Paragraph 1 of section 61 of *The Jurors Act* is amended by striking out "one of the justices of the peace" in the seventh line and inserting in lieu thereof "the justice of the peace in attendance", so that the paragraph shall read as follows:

1. The sheriff shall place the ballot papers in a box or urn, and shall cause it to be shaken so as sufficiently to mix the ballot papers, and he shall then openly draw from the box or urn indiscriminately one of the ballot papers, and declare openly the number on such ballot paper, whereupon the clerk of the peace, or the justice of the peace in attendance, shall immediately declare aloud the name of the person opposite whose name the corresponding number is placed on the jury list.

R.S.O. 1950,
c. 191, s. 61,
par. 6,
amended

(2) Paragraph 6 of the said section 61 is amended by striking out "justices of the peace" in the fifth line and inserting in lieu thereof "the justice of the peace" and by striking out "justices" in the ninth line and inserting in lieu thereof "justice of the peace", so that the paragraph shall read as follows:

6. The panel so alphabetically arranged and numbered, with a short statement of the precept in obedience to which it has been drafted, the date and place of such drafting, and the names of the sheriff, or his deputy, and of the clerk of the peace and the justice of the peace, present at such drafting, or of at least two of them, shall then be entered in the juror's book, and attested by the signatures of the sheriff, or his deputy, and of the clerk of the peace and the justice of the peace, or at least two of them.

4. Section 101 of *The Jurors Act* is amended by adding thereto the following item: R.S.O. 1950,
c. 191, s. 101,
amended

8a. For each selection of jurors to be released
before sittings of a court \$ 5.00

5. This Act may be cited as *The Jurors Amendment Act*, Short title
1956.

BILL

An Act to amend The Jurors Act

1st Reading

February 1st, 1956

2nd Reading

February 6th, 1956

3rd Reading

March 14th, 1956

MR. ROBERTS

No. 45

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to repeal The Magistrates' Jurisdiction Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This Act is obsolete and is therefore repealed.

No. 45

1956

BILL

An Act to repeal The Magistrates' Jurisdiction Act

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. *The Magistrates' Jurisdiction Act* is repealed. R.S.O. 1950,
c. 220,
repealed
2. This Act may be cited as *The Magistrates' Jurisdiction* Short title
Repeal Act, 1956.

BILL

An Act to repeal
The Magistrates' Jurisdiction Act

1st Reading

February 1st, 1956

2nd Reading

3rd Reading

MR. ROBERTS

No. 45

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to repeal The Magistrates' Jurisdiction Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 45

1956

BILL

An Act to repeal The Magistrates' Jurisdiction Act

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. *The Magistrates' Jurisdiction Act* is repealed.

R.S.O. 1950,
c. 220,
repealed

2. This Act may be cited as *The Magistrates' Jurisdiction* Short title
Repeal Act, 1956.

BILL

An Act to repeal
The Magistrates' Jurisdiction Act

1st Reading

February 1st, 1956

2nd Reading

February 6th, 1956

3rd Reading

March 6th, 1956

MR. ROBERTS

No. 46

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Insurance Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

GENERAL EXPLANATORY NOTES

(SECTIONS 1 TO 16)

While at first glance it may appear that the Fire Insurance Part has been rather extensively redrafted, a closer examination will establish that the protection presently afforded to the insured has not been reduced but on the contrary this has been somewhat extended.

The necessity for the revision arose from

- (a) the fact that but few policies today insure only against the peril of fire alone. Most policies are multi-peril or all risks and the practice is rapidly expanding. The revision eliminates doubts which have existed as to the application of the Part because of certain court decisions. At the same time it was necessary to provide greater flexibility in the law for the coverage now being given;
- (b) the fact that many of the statutory conditions are antiquated and, in many cases, serve no useful purpose as they are waived by insurers in most of their policies. These are statutory conditions which operate in favour of the insurer and required unnecessary printing.

Broadly the scope of the revision may be summarized as follows:

- (1) Duplicate sections have been eliminated or consolidated, e.g. section 27 is primarily the fire licensing section. Section 105 of the Part also dealt with this aspect. Section 27 has been redrafted to include within its scope all of the licensing aspects. Section 107 merely duplicates section 92. The former has therefore been eliminated. Section 103 (2) and (3) have been eliminated as these are, in effect, duplication of other provisions.
- (2) As indicated in (a) above, the doubt as to the application of the Part has been eliminated by specific provision in proposed section 104. The extended coverage now given with the peril of fire makes this necessary to avoid litigation.
- (3) The scope of the coverage against the peril of fire has been defined by proposed section 105. This is, in effect, the combination of the definition of fire insurance with present statutory conditions 6 and 12 and the exclusion in present statutory conditions 4(b) and (d). Thus, in one place will be found the coverage where a policy insures against the peril of fire. Provision has been made by proposed section 105 for certain restrictions but subject to the protection for the insured of section 113.
- (4) The number of statutory conditions has been reduced from 24 to 15. This will save considerable unnecessary printing. This reduction has been accomplished
 - (i) by transferring to the substantive law statutory conditions 2, 9, 21, 22 and 24 relating to form of contract, notice to payees, agency and waiver and subrogation respectively. These are not properly conditions but substantive statements of law. As noted in item (3) above, statutory conditions 4(b) and (d), 6, 8 and 12 have also been transferred.
 - (ii) by deleting statutory conditions 3, 4(c), 5(a), (b) and (d) and 8. These deal with property excluded unless specifically included, want of substantial chimneys, repairs, inflammable substances, vacancy and other insurance. In so far as present statutory condition 3 is concerned this is merely part of the property cover and is properly the subject of contractual provision. The insured cannot suffer in any way by this change. Statutory condition 4(c) is today of no practical importance to insurers. Statutory condition 5(a),

(b) and (d) are waived by insurers in the vast majority of cases. If, for special risks, it is necessary to provide a similar condition this may be done under section 105 but subject to the insured receiving the protection of section 113. Statutory condition 8, with its penalty, appears to be unnecessary in view of present section 110 in the revision. Any question as to elimination of what may be described as fire prevention conditions is shortly answered by the continuation of present statutory condition 7, the fact that they are generally waived in whole or in part and by the provision of such conditions for special risks.

(iii) by the transfers to substantive law mentioned in item (3) above.

- (5) As previously indicated, present section 113 in the revision has been extended to give a larger measure of protection to the insured but at the same time giving somewhat more flexibility to meet modern conditions and coverages—coverages which are in fact being given although doubt exists as to the legal situation under the present Part. Section 109 dealing with co-insurance and limitation of liability clauses has been revised as section 110 to make its application more certain. The present wording is ambiguous and creates substantial difficulties of interpretation.

It will be observed from the foregoing that the revision is not in principle one derogating from the protection of the insured—indeed in some aspects this is extended. It is merely to meet the existing and developing situation in the forms of contract being offered. It may be suggested that this revision “jettisons” the existing case law and therefore will “breed” more litigation. This suggestion is without sound foundation as most of the important conditions have been retained in their present or in substantially their present form and therefore the case law continues to apply. Those eliminated cannot adversely affect the insured or encourage litigation.

To continue the Fire Insurance Part in its present form cannot be justified in the light of changing modern conditions and coverages.

(SECTION 17)

Part VII was first enacted in 1922. It was revised in 1924 but since that time very few changes have been made in it.

The purpose of this revision is threefold:

1. To add a number of provisions designed to assure increased protection to policyholders and beneficiaries;
2. To shorten and simplify the statutory conditions; and
3. To permit a degree of flexibility in cases where it is appropriate to allow an insurer to vary or omit a statutory condition.

New Provisions to protect Policyholders and Beneficiaries—

The following are the principal new provisions in this category:

1. New section 222 requiring that exceptions from and reductions in benefits be clearly brought to the notice of the insured;
2. New paragraph 2 added to statutory condition 7 giving a claimant additional time, up to one year, to furnish proof of claim, as well as notice of claim as now provided, if it is not reasonably possible for him to comply with the periods prescribed;
3. New section 226g making innocent misrepresentations, except those relating to age, incontestable after the policy has been in force two years;
4. New section 226h stating that pre-existing conditions will not affect a claim unless specifically excluded from the policy (a) if the loss occurs after a period of two years' cover, or (b) at any time if the pre-existing condition was disclosed by the insured on his application;

5. New section 226*i* providing for the appointment of beneficiaries of an accidental death benefit and giving them a direct right of action against the insurer;
6. New section 226*m*, a facility of payment section permitting insurers to pay up to \$2,000 to the relatives of a deceased insured (or others who have incurred expense on his behalf);
7. New section 226*n*, a prohibition against giving undue prominence to the benefit provisions of a policy as compared to its restrictions.

Shortening and Simplification of Statutory Conditions—

Because many insureds do not carefully read their policies due to their length, the statutory conditions should be no longer than necessary. In this revision, the present statutory conditions have been shortened without sacrificing their purpose.

Flexibility—

In addition to a shortening of the conditions, there are numerous respects in which it would be entirely proper for an insurer to vary or omit some of the conditions so long as the insured is not thereby prejudiced. This is in part due to the fact that the statutory conditions are framed to cover all forms of accident and sickness insurance, whereas a particular policy may relate only to one form, e.g., hospital expense insurance. Furthermore, some of the conditions are designed to regulate the extent to which insurers may exercise some of the privileges given to them by the conditions, e.g., the right to terminate a policy. Where a policy may not be terminated, such a provision is naturally inappropriate.

In the result, the new revision will give more protection to the insured than the present Part VII but will permit the simplification of policy forms and in this way should lead to a better understanding by the public of this form of insurance.

Fraternal Contracts—

The present exemption of fraternal societies and their contracts from Part VII has been removed. The revised Part VII will apply to these societies and their contracts subject to the special provisions relating thereto in sections 222, 224 and 226.

SECTION 1. This combines present section 27 and two of the subsections of section 105.

SECTION 2. Section 34 requires notice to the Superintendent of disputed claims and is unnecessary.

SECTION 3. This is a combination of present sections 92 and 107 with very slight amendment.

BILL

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 27 of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 183, s. 27, re-enacted

27.—(1) Every issuer licensed to carry on fire insurance may, subject to its Act of incorporation and subject to the restrictions prescribed by the licence, insure or reinsure any property in which the insured has an insurable interest against loss or damage by fire, lightning or explosion and may insure or reinsure the same property against loss or damage from falling aircraft, earthquake, windstorm, tornado, hail, sprinkler leakage, riot, malicious damage, weather, water damage, smoke damage, civil commotion and impact by vehicles and any one or more perils falling within such other classes of insurance as are prescribed by the regulations. Scope of fire insurance licence

(2) An insurer licensed to carry on fire insurance may insure an automobile against loss or damage under a policy falling within Part IV of this Act; but in the case of a purely mutual fire insurance corporation, incorporated or licensed in Ontario and carrying on business on the premium note plan, the automobile shall be specifically insured under a policy separate from that insuring other property. Insurance of automobiles

2. Section 34 of *The Insurance Act* is repealed.

R.S.O. 1950, c. 183, s. 34, repealed

3. Section 92 of *The Insurance Act* is repealed and the following substituted therefor:

R.S.O. 1950, c. 183, s. 92, re-enacted

92.—(1) Every policy shall contain the name of the insurer, the name of the insured, the name of the Contents of policy

person or persons to whom the insurance money is payable, the premium for the insurance, the subject-matter of the insurance, the indemnity for which the insurer may become liable, the event on the happening of which the liability is to accrue and the term of the insurance.

Application
of section

- (2) This section does not apply to contracts of automobile and guarantee insurance.

R.S.O. 1950,
c. 183, s. 95,
re-enacted

4. Section 95 of *The Insurance Act* is repealed and the following substituted therefor:

Effect of
delivery of
policy

- 95.—(1) Where the policy has been delivered, the contract shall be as binding on the insurer as if the premium had been paid, although it has not in fact been paid, and although delivered by an officer or agent of the insurer who had not authority to deliver it.

Right of
insurer in
respect of
unpaid
premium

- (2) The insurer may sue for the unpaid premium and may deduct the amount thereof from the amount for which he is liable under the contract of insurance.

Where note
or cheque for
premium not
honoured

- (3) Where a cheque, bill of exchange or promissory note or any promise to pay is given, whether originally or by way of renewal, for the whole or part of any premium and the cheque, bill of exchange or promissory note or other promise to pay is not honoured according to its tenor, the insurer may terminate the contract forthwith by giving written notice by registered mail.

R.S.O. 1950,
c. 183, s. 96,
subs. 1,
re-enacted

5. Subsection 1 of section 96 of *The Insurance Act* is repealed and the following substituted therefor:

Insurer
to furnish
forms

- (1) Every insurer, immediately upon receipt of a request, and in any event not later than sixty days after receipt of notice of loss, shall furnish to the insured or person to whom the insurance money is payable forms upon which to make the proof of loss required under the contract.

R.S.O. 1950,
c. 183, s. 97,
re-enacted

6. Section 97 of *The Insurance Act* is repealed and the following substituted therefor:

When action
may be
brought
under
contract

97. No action shall be brought for the recovery of money payable under a contract of insurance until the expiration of sixty days after proof, in accordance with the provisions of the contract,

(a) of the loss; or

SECTION 4. This is substantially the same as present section 95.

SECTION 5. This is comparable to the present subsection.

SECTION 6. Present subsection 2 of section 97 is deleted and the wording of subsection 1 is clarified.

SECTION 7. Paragraph 2 appears to be unnecessary in view of proposed section 104. Paragraph 3 is unnecessary because of the earlier definition of "property".

SECTION 8. This is designed to carry into effect the purpose of the revision in so far as it affects the scope of the Part.

SECTION 9. Present section 105 has been incorporated in proposed section 27. This section is designed to define the scope of the peril of fire.

(b) of the happening of the event upon which the insurance money is to become payable,

or of such shorter period as may be fixed by the contract of insurance.

7. Paragraphs 2 and 3 of section 103 of *The Insurance Act* are repealed. R.S.O. 1950, c. 183, s. 103, pars. 2, 3, repealed

8. Section 104 of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 183, s. 104, re-enacted

104.—(1) This Part applies to insurance against loss of or damage to property arising from the peril of fire in any contract made in the province except, Application of Part

(a) insurance falling within the classes of aircraft, automobile, boiler and machinery, inland transportation, marine, plate glass, sprinkler leakage and theft insurance;

(b) where the subject-matter of the insurance is rents, charges or loss of profits; or

(c) where the peril of fire is an incidental peril to the coverage provided.

(2) Notwithstanding subsection 1, this Part applies to insurance of an automobile as provided in subsection 2 of section 27. Automobiles

9. Section 105 of *The Insurance Act*, as amended by section 1 of *The Insurance Amendment Act, 1953*, is repealed and the following substituted therefor: R.S.O. 1950, c. 183, s. 105, re-enacted

105.—(1) Subject to subsection 4 of this section and to clause a of section 113, in any contract to which this Part applies, the contract shall be deemed to cover the insured property, Extent of coverage by contract

(a) against fire (whether resulting from explosion or otherwise) not occasioned by or happening through,

(i) its undergoing any process involving the application of heat,

(ii) riot, civil commotion, war, invasion, act of foreign enemy, hostilities (whether war be declared or not), civil war, rebellion, revolution, insurrection or military power;

- (b) against lightning, but excluding destruction or loss to electrical devices or appliances caused by lightning or other electrical currents unless fire originates outside the article itself and only for such destruction or damage as occurs from such fire;
- (c) against explosion due to ignition, not occasioned by or happening through any of the perils specified in subclause ii of clause a, in a building not being part of any gas works, of gas used for domestic purposes or used for lighting or heating the building.

Exception

- (2) Unless otherwise specifically provided therein, in any contract to which this Part applies, nuclear change or radioactivity shall not be considered to be a fire or an explosion.

Coverage where property removed

- (3) Where property insured under a contract covering at a specified location is necessarily removed to prevent loss or damage or further loss or damage thereto, that part of the insurance under the contract that exceeds the amount of the insurer's liability for any loss incurred shall, for seven days only or for the unexpired term of the contract if less than seven days, cover the property removed and any property remaining in the original location in the proportions which the value of the property in each of the respective locations bears to the value of the property in them all.

Extended insurance

- (4) Nothing in subsection 1 precludes an insurer giving more extended insurance against the perils mentioned therein, but in that case this Part does not apply to the extended insurance.

Power to extend meaning of "lightning" in live stock contracts

- (5) An insurer licensed to carry on fire insurance may include in its insurance contracts a clause or endorsement providing that, in the case of live stock insured against death or injury caused by fire or lightning, the word "lightning" is deemed to include other electrical currents.

R.S.O. 1950,
c. 183, s. 107,
re-enacted

10. Section 107 of *The Insurance Act* is repealed and the following substituted therefor:

Form of contract

- 107. After an application for insurance is made, if it is in writing, any policy sent to the insured shall be deemed to be intended to be in accordance with the terms of the application, unless the insurer points

Subsection 2 will remove doubts as to nuclear reaction or radioactivity being considered as fire or explosion.

SECTION 10. Present section 107 has been incorporated in proposed section 92. The new section is in substance present statutory condition 2.

SECTION 11. The re-enactment is in substance present statutory condition 9 but requires the same notice of cancellation of a policy to a mortgagee as to the insured. Present statutory condition 9 specifies only "reasonable notice". The new section 108a replaces present section 108 dealing with the statutory conditions.

Statutory condition 1 is identical with present statutory condition 1 except that the words "as to the property in respect of which the misrepresentation or omission is made" have been slightly amended.

Statutory condition 2 is statutory condition 4(a). The balance of the condition along with statutory condition 3 has been deleted.

Statutory condition 3, in substance, reproduces present clause (c) of statutory condition 5. The remainder of statutory condition 5 has been deleted.

Statutory condition 4 reproduces present statutory condition 7 without change.

out in writing the particulars wherein it differs from the application, in which case the insured may, within two weeks from the receipt of the notification, reject the policy.

11. Section 108 of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 183, s. 108,
re-enacted

108.—(1) Where the loss, if any, under a contract has, with the consent of the insurer, been made payable to a person other than the insured, the insurer shall not cancel or alter the policy to the prejudice of that person without notice to him. Mortgagees
and other
payees

(2) The length of and manner of giving the notice under subsection 1 shall be the same as notice of cancellation to the insured under the statutory conditions in the contract. Form of
notice

108a.—(1) The conditions set forth in this section shall be deemed to be part of every contract in force in Ontario and shall be printed on every policy with the heading "Statutory Conditions" and no variation or omission of or addition to any statutory condition shall be binding on the insured. Statutory
conditions

(2) In this section, "policy" does not include interim receipts or binders. Interpre-
tation

STATUTORY CONDITIONS

Misrepresentation

1. If any person applying for insurance falsely describes the property to the prejudice of the insurer, or misrepresents or fraudulently omits to communicate any circumstance which is material to be made known to the insurer in order to enable it to judge of the risk to be undertaken, the contract shall be void as to any property in relation to which the misrepresentation or omission is material.

Property of Others

2. Unless otherwise specifically stated in the contract, the insurer is not liable for loss or damage to property owned by any person other than the insured, unless the interest of the insured therein is stated in the contract.

Change of Interest

3. The insurer shall be liable for loss or damage occurring after an authorized assignment under the *Bankruptcy Act* or change of title by succession, by operation of law, or by death.

Material Change

4. Any change material to the risk and within the control and knowledge of the insured shall avoid the contract as to the part affected thereby, unless the change is promptly notified in writing to the insurer or its local agent; and the insurer when so notified may return the unearned portion, if any, of the premium paid and cancel the contract, or may notify the insured in writing that, if he desires the

contract to continue in force, he must, within fifteen days of the receipt of the notice, pay to the insurer an additional premium; and in default of such payment the contract shall no longer be in force and the insurer shall return the unearned portion, if any, of the premium paid.

Termination of Insurance

5.—(1) The insurance may be terminated:

- (a) subject to the statutory provision relating to cases where loss under the contract has, with the consent of the insurer, been made payable to some person other than the insured, by the insurer giving to the insured at any time fifteen days notice of cancellation by registered mail, or five days notice of cancellation personally delivered, and, if the insurance is on the cash plan, by refunding the excess of premium actually paid by the insured beyond the pro rata premium for the expired time;
- (b) if on the cash plan, by the insured giving written notice of termination to the insurer, in which case the insurer shall, upon surrender of this policy, refund the excess of premium actually paid by the insured beyond the customary short rate for the expired time.

(2) Repayment of the excess premium may be made by money, postal or express company money order, or by cheque payable at par.

(3) If the notice is given by registered letter the repayment shall accompany the notice.

(4) The fifteen days mentioned in clause *a* of subparagraph 1 of this condition shall commence to run from the day following the receipt of the registered letter at the post office to which it is addressed.

Requirements After Loss

6.—(1) Upon the occurrence of any loss of or damage to the insured property, the insured shall, if such loss or damage is covered by the contract, in addition to observing the requirements of conditions 9, 10 and 11,

- (a) forthwith give notice thereof in writing to the insurer;
- (b) deliver as soon as practicable to the insurer a proof of loss verified by a statutory declaration,
 - (i) giving a complete inventory of the destroyed and damaged property and showing in detail quantities, costs, actual cash value and particulars of amount of loss claimed,
 - (ii) stating when and how the loss occurred, and if caused by fire or explosion due to ignition, how the fire or explosion originated, so far as the insured knows or believes,
 - (iii) stating that the loss did not occur through any wilful act or neglect or the procurement, means or connivance of the insured,
 - (iv) showing the amount of other insurances and the names of other insurers,
 - (v) showing the interest of the insured and of all others in the property with particulars of all liens, encumbrances and other charges upon the property,
 - (vi) showing any changes in title, use, occupation, location, possession or exposures of the property since the issue of the contract,
 - (vii) showing the place where the property insured was at the time of loss;
- (c) if required give a complete inventory of undamaged property and showing in detail quantities, cost, actual cash value;

Statutory condition 5 is in substance the same as present statutory condition 10.

Statutory condition 6 is similar to present statutory condition 15.

Statutory condition 7 is a reproduction of present statutory condition 16.

Statutory condition 8 is in substance present statutory condition 14 but based upon Automobile Insurance statutory condition 10.

Statutory condition 9 is similar to present statutory condition 11.

Statutory condition 10 is substantially the same as present statutory condition 13.

Statutory condition 11 replaces present statutory condition 17 adopting appraisal rather than arbitration.

Statutory condition 12 is identical with present statutory condition 18.

- (d) if required and if practicable, produce books of account, warehouse receipts and stock lists, and furnish invoices and other vouchers verified by statutory declaration, and furnish a copy of the written portion of any other contract.

(2) The evidence furnished under clauses (c) and (d) of subparagraph (1) of this condition shall not be considered proofs of loss within the meaning of conditions 12 and 13.

Fraud

7. Any fraud or wilfully false statement in a statutory declaration in relation to any of the above particulars, shall vitiate the claim of the person making the declaration.

Who may give notice and proof

8. Notice of loss may be given, and proof of loss may be made, by the agent of the insured named in the contract in case of absence or inability of the insured to give the notice or make the proof, and absence or inability being satisfactorily accounted for, or in the like case, or if the insured refuses to do so, by a person to whom any part of the insurance money is payable.

Salvage

9.—(1) The insured, in the event of any loss or damage to any property insured under the contract, shall take all reasonable steps to prevent further damage to any such property so damaged and to prevent damage to other property insured hereunder including, if necessary, its removal to prevent damage or further damage thereto.

(2) The insurer shall contribute pro rata towards any reasonable and proper expenses in connection with steps taken by the insured and required under subparagraph 1 of this condition according to the respective interests of the parties.

Entry, Control, Abandonment

10. After any loss or damage to insured property, the insurer shall have an immediate right of access and entry by accredited agents sufficient to enable them to survey and examine the property, and to make an estimate of the loss or damage, and, after the insured has secured the property, a further right of access and entry sufficient to enable them to make appraisement or particular estimate of the loss or damage, but the insurer shall not be entitled to the control or possession of the insured property, and without the consent of the insurer there can be no abandonment to it of insured property.

Appraisal

11.—(1) If any difference arises as to the value of the property insured, the property saved or the amount of the loss, that value and amount shall, whether the right to recover on the contract is disputed or not, be ascertained by two competent and disinterested appraisers, the insured and the insurer each selecting one, and the two so chosen then selecting a competent and disinterested umpire.

(2) The appraisers together shall then estimate and appraise the loss or damage; stating separately the sound values and damage and, failing to agree, shall submit their differences to the umpire; and the finding in writing of any two shall determine the value of the property insured, the property saved and the amount of loss.

(3) The parties thereto shall pay the appraisers respectively selected by them, and shall bear equally the expense of the appraised and umpire.

When Loss Payable

12. The loss shall be payable within sixty days after completion of the proof of loss, unless the contract provides for a shorter period.

Replacement

13.—(1) The insurer, instead of making payment, may repair, rebuild, or replace the property damaged or lost, giving written notice of its intention so to do within thirty days after receipt of the proofs of loss.

(2) In that event the insurer shall commence to so repair, rebuild, or replace the property within forty-five days after receipt of the proofs of loss, and shall thereafter proceed with all due diligence to the completion thereof.

Action

14. Every action or proceeding against the insurer for the recovery of any claim under or by virtue of this contract shall be absolutely barred unless commenced within one year next after the loss or damage occurs.

Notice

15.—(1) Any written notice to the insurer may be delivered at, or sent by registered post to, the chief agency or office of the insurer in the Province or delivered or so sent to any authorized agent of the insurer therein.

(2) Written notice may be given to the insured by letter personally delivered to him or by registered letter addressed to him at his latest post office address notified to the insurer, or, where no address is notified and the address is not known, addressed to him at the post office of the agency, if any, from which the application was received.

R.S.O. 1950,
c. 183, s. 109,
re-enacted

12. Section 109 of *The Insurance Act* is repealed and the following substituted therefor:

Limitation
of liability
clauses

109. A contract containing a co-insurance, average, average distribution or other clause that requires or may require the insured to contribute to any loss shall have printed or stamped upon its face in red ink the words: "This policy contains a clause which may limit the amount payable", and unless those words are so printed or stamped the clause shall not be binding upon the insured.

R.S.O. 1950,
c. 183, s. 110,
re-enacted

13. Section 110 of *The Insurance Act* is repealed and the following substituted therefor:

Rateable
contribution

110.—(1) Where, on the happening of any loss or damage to property insured, there is in force more than one contract covering the same interest, the insurers under the respective contracts shall each be liable to the insured for its rateable proportion of the loss unless it is otherwise expressly agreed in writing between the insurers.

Effect of
policy may
not be
postponed

(2) For the purpose of subsection 1, a contract shall be deemed to be in force notwithstanding any term thereof that the policy shall not cover, come into force, attach, or become insurance with respect to the property until after full or partial payment of any loss under any other policy.

Certain
restrictions
valid

(3) Nothing in subsection 1 affects the validity of any divisions of the sum insured into separate items, or

Statutory condition 13 is identical with present statutory condition 19, except for extension of times.

Statutory condition 14 is identical with present statutory condition 20.

Statutory condition 15 is identical with present statutory condition 23 except the word "head" has been deleted before "office".

SECTION 12. This replaces present section 109 but is in very much abbreviated form.

SECTION 13. This proposed revision eliminates the need for the present statutory condition 8. Subsection 4 is new, intended to provide a method of ascertaining rateable proportions when there are deductibles. In view of the proposed revision of section 104, subsection 5 of the present section 110 is unnecessary.

SECTION 14. The repealed section dealt with red ink on policies.

SECTION 15. This, with slight verbal change only, is same as present section 112.

SECTION 16. Section 113 retains the basic provisions of the present section although clause *a* is new. This has been inserted because the Fire Insurance Part, as amended by this bill, in terms has a broader application than the existing Part in that it covers the peril of fire in any contract other than those specifically excluded.

any limits of insurance on specified property, or any clause referred to in section 109 or any contract condition limiting or prohibiting the having or placing of other insurance.

- (4) Nothing in subsection 1 affects the operation of any deductible clause and, Ascertainment of rateable proportions

(a) where one contract contains a deductible, the pro rata proportion of the insurer under that contract shall be first ascertained without regard to the clause and then the clause shall be applied only to affect the amount of recovery under that contract; and

(b) where more than one contract contains a deductible, the pro rata proportion of the insurers under those contracts shall be first ascertained without regard to the deductible clauses and then the highest deductible shall be pro rated among the insurers with deductibles and these pro rated amounts shall affect the amount of recovery under those contracts.

- (5) Notwithstanding subsection 1, insurance on identified articles shall be a first loss insurance as against all other insurance. Insurance on identified articles

14. Section 111 of *The Insurance Act* is repealed.

R.S.O. 1950,
c. 183, s. 111,
repealed

15. Section 112 of *The Insurance Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 183, s. 112,
re-enacted

112. Where there has been imperfect compliance with a statutory condition as to the proof of loss to be given by the insured and a consequent forfeiture or avoidance of the insurance, in whole or in part, and the court deems it inequitable that the insurance should be forfeited or avoided on that ground, the court may relieve against the forfeiture or avoidance on such terms as may seem just. Relief from forfeiture

16. Section 113 of *The Insurance Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 183, s. 113,
re-enacted

113. Where a contract,

Special stipulations

(a) excludes any loss that would otherwise fall within the coverage prescribed by section 105; or

- (b) contains any stipulation, condition or warranty that is or may be material to the risk including, but not restricted to, a provision in respect to the use, condition, location or maintenance of the insured property,

the exclusion, stipulation, condition or warranty shall not be binding upon the insured if it is held to be unjust or unreasonable by the court before which a question relating thereto is tried.

Waiver of
term or
condition

113a.—(1) No term or condition of a contract shall be deemed to be waived by the insurer in whole or in part unless the waiver is clearly expressed in writing signed by a person authorized for that purpose by the insurer.

Idem

- (2) Neither the insurer nor the insured shall be deemed to have waived any term or condition of a contract by any act relating to the appraisal of the amount of loss or to the delivery and completion of proofs, or to the investigation or adjustment of any claim under the contract.

Subrogation

113b.—(1) The insurer, upon making any payment or assuming liability therefor under a contract of fire insurance, shall be subrogated to all rights of recovery of the insured against any person, and may bring action in the name of the insured to enforce such rights.

Where
amount
recovered is
not sufficient
to indemnify

- (2) Where the net amount recovered after deducting the costs of recovery is not sufficient to provide a complete indemnity for the loss or damage suffered, that amount shall be divided between the insurer and the insured in the proportions in which the loss or damage has been borne by them respectively.

R.S.O. 1950,
c. 183,
Part VII
(ss. 218-226),
re-enacted

17. Part VII of *The Insurance Act*, as amended by section 18 of *The Insurance Amendment Act, 1951*, is repealed and the following substituted therefor:

PART VII

ACCIDENT AND SICKNESS INSURANCE

Interpre-
tation

218. In this Part,

- (a) "contract" means a contract of accident insurance or of sickness insurance or of both;

Section 113*a*, subsection 1 follows present statutory condition 2. and is comparable to section 203 of the Automobile Insurance Part. Present statutory condition 22 has been eliminated. Subsection 2 follows Automobile Insurance statutory condition 7.

Section 113*b* replaces statutory condition 24 which, in the case of *Globe & Rutgers vs. Truedell*, 60 O.L.R. 227 was held to be of no value whatsoever. It follows section 204 in the Automobile Insurance Part.

SECTION 17. This is a revision of Part VII.

Clause *a*—The purpose of this definition is to save repeating in the balance of the Part a description of the type of contract governed by the Part. The terms "accident insurance" and "sickness insurance" are defined in section 1 of the Act.

Clause *b*—These terms are used in the definition of “group accident insurance” and “group sickness insurance”, *post*. As provided in section 219(3), certain sections of this Part are made applicable to the latter two types of group insurance. These sections, which are derived from the Life Insurance Part of the Act, are not appropriate to creditor’s group insurance where, as the above definition indicates, a creditor insures his debtors and thus payment of the benefits is made to him. The definition follows closely the definition of “creditor’s group life insurance” in the Life Part.

Clause *c*—This definition follows closely the definition of “group life insurance” in the Life Part. The wording is somewhat broader than the description of the term in present section 218(4). By section 219(3), *post*, certain sections of the Part are made applicable to group insurance.

Clause *d*—This definition and the definition of “person insured” should be read together. Frequently the “insured” and the “person insured” are the same person but where a contract insures more than one person the use of these terms in the balance of this Part makes it possible to distinguish between the provisions applicable to each.

Clause *e*—This definition is similar to the definition of “person” in the Life Part.

Clause *f*—See note to definition of “insured”, *supra*.

Section 219, subsection 1—Present section 218(1) has been clarified.

Subsection 2—The exceptions in present section 218(2) for disability and double indemnity insurance are simplified by a reference to these classes of insurance as defined in section 1. The exception for accident insurance in present section 218(3) is unnecessary in view of the definition of “accident insurance” in section 1. Present section 218(4) is dealt with in the definitions of “group accident insurance” and “group sickness insurance” and in subsection 3 hereof.

Clause *e* replaces present subsection 4*a* of section 218.

Present subsection 5 of section 218 is no longer necessary in view of the addition in this revision of sections 220, 226*a* to 226*e*, 226*k* and 226*p*.

Subsection 3—Present section 218(4) provides that this Part, except present section 226, shall not apply to group insurance. It also states that certain sections of the Life Part shall apply to this class of insurance. These sections are now reproduced in this Part and apply to group insurance. Also new sections 226*i*, 226*l* and 226*m* are made applicable to group insurance.

- (b) "creditor's group accident insurance" and "creditor's group sickness insurance" mean, respectively, accident insurance and sickness insurance effected by a creditor whereby the lives or well-being or the lives and well-being of a number of his debtors are insured severally under a single contract;
- (c) "group accident insurance" and "group sickness insurance" mean, respectively, accident insurance and sickness insurance, other than creditor's group accident insurance and creditor's group sickness insurance, whereby the lives or well-being or the lives and well-being of a number of persons are insured severally under a single contract between an insurer and an employer or other person contracting with the insurer;
- (d) "insured" means a person who makes a contract with an insurer;
- (e) "person" includes a firm, partnership or corporation, an unincorporated society or association, and a trade union;
- (f) "person insured" means a person in respect of an accident to whom, or in respect of whose sickness, benefits are payable under a contract.

APPLICATION OF PART

219.—(1) This Part applies to accident insurance and to sickness insurance and to an insurer carrying on the business of accident insurance or sickness insurance or both.

(2) This Part does not apply to,

Exceptions

- (a) creditor's group accident insurance;
- (b) creditor's group sickness insurance;
- (c) disability insurance;
- (d) double indemnity insurance; or
- (e) insurance provided under section 212a.

(3) This Part, except sections 220, 226b, 226c, 226i, 226k, ^{Group insurance} 226l, 226m and 226p, does not apply to group accident insurance or group sickness insurance.

THE CONTRACT OF INSURANCE

Policy to
evidence
contract

220. A contract shall be evidenced by an instrument in writing called, in this Part, a policy.

Contents
of policy

221. The policy shall contain the name and address of the insurer, the name of the insured, the name of the person to whom the insurance money is payable, the premium for the insurance, the indemnity for which the insurer may become liable, the event on the happening of which such liability is to accrue, and the term of the insurance.

Exceptions
or
reductions

222.—(1) Subject to subsections 2, 3 and 4 of this section, to the statutory conditions in section 223 and to section 226j, the insurer shall set forth in the policy every exception or reduction affecting the amount payable under the contract, either in the provision affected by the exception or reduction or under a heading such as "Exceptions" or "Reductions".

Idem

(2) Where the exception or reduction affects only one provision in the policy, it shall be set forth in that provision.

Idem

(3) Where the exception or reduction is contained in an endorsement, insertion or rider, the endorsement, insertion or rider shall, unless it affects all amounts payable under the contract, make reference to the provisions in the policy affected by the exception or reduction.

Where not
applicable

(4) This section does not apply to a policy issued by a fraternal society.

Statutory
conditions

223. Subject to section 224, the conditions set forth in this section shall be deemed to be part of every contract and shall be printed on every policy with the heading "Statutory Conditions".

STATUTORY CONDITIONS

1.—(1) The Contract

This policy, including the endorsements, insertions or riders, if any, and the application for the contract if attached to the policy, constitutes the entire contract and no agent has authority to change the contract or waive any of its provisions.

(2) Waiver

The insurer shall be deemed not to have waived any condition of this contract, either in whole or in part, unless the waiver is clearly expressed in writing signed by the insurer.

2. Material Facts

No statement made by the insured on his application for this contract may be used in defence of a claim under, or to avoid, this contract unless it is contained in the written application for the contract and unless a copy of the application, or such part thereof as is material to the contract, is endorsed upon, inserted in or attached to the policy when issued.

Section 220 is similar to section 135 of the Life Part which presently applies by cross-reference.

Section 221 is the same as present section 220(1), except that references to the address, occupation and business of the insured have been omitted as being unnecessary. This type of information frequently becomes obsolete after the policy has been issued.

Subsection 2 of present section 220 is omitted because it simply permits one of several possible methods of renewing a contract.

Section 222 is new and requires that exceptions and reductions be clearly brought to the notice of the insured.

In regard to subsection 4, fraternal contracts are presently exempted entirely from the Accident and Sickness Insurance Part by section 218(1). This exemption is now repealed and the Part applies to fraternal insurance except that it has been necessary to make special provision for these contracts in this section and in sections 224 and 226. These special provisions are similar to the special provisions relating to fraternal insurance in the Life Part.

Section 223—These introductory words have been rewritten to correspond to the similar provision of the Automobile Part.

Statutory condition 1—Paragraph 1 is similar to present statutory condition 1 except that the cross-reference to condition 3 has been deleted as unnecessary. Paragraph 2 is the same as present statutory condition 20.

Statutory condition 2 is similar to present statutory condition 2 except that the first part of that condition has been transferred to section 226*f, post.*

Statutory condition 3 is similar in purpose to present statutory conditions 3 and 4 but the wording has been simplified and the reference to premium rates, etc., filed with the Superintendent of Insurance has been dropped because such filing is not required.

Statutory condition 4 replaces present condition 6. It has been reworded and, in particular, specific reference is made to the types of contracts to be taken into account.

Statutory condition 5—Present statutory conditions 7 and 10 have been combined and somewhat shortened without change in their effect.

Statutory condition 6—The substance of present statutory conditions 8, 9 and 11 has been combined in one condition.

Statutory condition 7—The words at the beginning of paragraph 1 include the substance of present statutory condition 16. The balance of the paragraph is the same as present statutory condition 12 except that the proviso to present clause *a* now appears as new paragraph 2 and is applicable to both notice of claim and proof of claim. A one-year limitation on late filings has been added.

3.—(1) Changes in Occupation If, after this policy is issued, the person insured engages for compensation in an occupation that is classified by the insurer as more hazardous than that stated in this policy, the liability under this contract is limited to the amount that the premium paid would have purchased for the more hazardous occupation according to the limits, classification of risks and premium rates in use by the insurer at the time the person insured engaged in the more hazardous occupation.

(2) If the person insured changes his occupation from that stated in this policy to an occupation classified by the insurer as less hazardous and so advises the insurer in writing, the insurer shall either

- (a) reduce the premium rate, or
- (b) issue a policy for the unexpired term of this contract at the lower rate of premium applicable to the less hazardous occupation,

according to the limits, classification of risks and premium rates used by the insurer at the date of receipt of advice of the change in occupation, and shall refund to the insured the amount by which the unearned premium on this contract exceeds the premium at the lower rate for the unexpired term.

4. Relation of Earnings to Insurance

Where the benefits for loss of time payable hereunder, either alone or together with benefits for loss of time under another contract, including a contract of group accident insurance or group sickness insurance or of both and a life insurance contract providing disability insurance, exceed the money value of the time of the person insured, the insurer is liable only for that proportion of the benefits for loss of time stated in this policy that the money value of the time of the person insured bears to the aggregate of the benefits for loss of time payable under all such contracts and the excess premium, if any, paid by the insured shall be returned to him by the insurer.

5. Termination by Insured

The insured may terminate the contract at any time by giving written notice of termination to the insurer by registered mail to its head office or chief agency in the province or by delivery thereof to an authorized agent of the insurer in the province and the insurer shall, upon surrender of this policy, refund the amount of premium paid in excess of the short rate premium for the expired time according to the table in use by the insurer at the time of termination.

6.—(1) Termination by Insurer

The insurer may terminate the contract at any time by giving written notice of termination to the insured and by refunding concurrently with the giving of notice the amount of premium paid in excess of the pro rata premium for the expired time.

(2) The notice of termination may be delivered to the insured, or it may be sent by registered mail to the latest address of the insured on the records of the insurer.

(3) Where the notice of termination is delivered to the insured, five days notice of termination shall be given; where it is mailed to the insured, ten days notice of termination shall be given and the ten days shall begin on the day following the arrival of the notice at the post office to which it is addressed.

7.—(1) Notice and Proof of Claim

The insured or his agent, or a beneficiary entitled to make a claim or his agent, shall

- (a) give written notice of claim to the insurer
 - (i) by delivery thereof, or by sending it by registered mail, to the head office or chief agency of the insurer in the province, or
 - (ii) by delivery thereof to an authorized agent of the insurer in the province,

not later than thirty days from the date of the accident or the beginning of the disability due to sickness;

- (b) within ninety days from the date of the accident or the beginning of the disability due to sickness for which the claim is made, furnish to the insurer such proof of claim as is reasonably possible in the circumstances of the happening of the accident or sickness and the loss occasioned thereby; and
- (c) if so required by the insurer, furnish a certificate as to the cause and nature of the accident or sickness for which the claim is made and as to the duration of the disability caused thereby, from a medical practitioner legally qualified to practise in the province.

(2) **Failure to Give Notice or Proof** Failure to give notice of claim or furnish proof of claim within the time prescribed in this statutory condition will not invalidate the claim if the notice or proof is given or furnished as soon as reasonably possible and in no event later than one year from the date of the accident or the beginning of the disability due to sickness and if it is shown that it was not reasonably possible to give notice or furnish proof within the time so prescribed.

8. Insurer to Furnish Forms for Proof of Claim The insurer shall furnish forms for proof of claim within fifteen days after receiving notice of claim but where the claimant has not received the forms within that time he may submit his proof of claim in the form of a written statement of the happening and character of the accident or sickness giving rise to the claim and of the extent of the loss.

9. Right of Examination The insurer has the right, and the claimant shall afford to the insurer an opportunity, to examine the person of the person insured when and as often as it may reasonably require while the claim hereunder is pending, and also, in the case of the death of the person insured to make an autopsy subject to any law of the province relating to autopsies.

10. When Moneys Payable Other Than for Loss of Time All moneys payable under this contract other than benefits for loss of time shall be paid by the insurer within sixty days after it has received proof of claim.

11. When Loss of Time Benefits Payable The initial benefits for loss of time shall be paid by the insurer within thirty days after it has received proof of claim, and payments shall be made thereafter within each succeeding sixty-day period while the insurer remains liable for the payments if the insured, whenever required to do so, furnishes prior to payment proof of continuing disability.

12. Limitation of Actions An action or proceeding against the insurer for the recovery of a claim under this contract shall not be begun after one year from the date on which the cause of action arose.

Omission or variation of conditions.

224.—(1) Where a statutory condition is not applicable to the benefits provided by the contract it may be omitted from the policy or varied so that it will be applicable.

Idem

(2) Statutory conditions 3, 4 and 9 may be omitted from the policy if the contract does not contain any provisions respecting the matters dealt with therein.

Idem

(3) Statutory conditions 5 and 6 may be omitted from the policy if the contract does not provide that it may be terminated by the insurer.

Statutory condition 8 is similar in purpose to present statutory condition 13 but the wording has been simplified.

Statutory condition 9 is the same as present statutory condition 14. Present statutory condition 15 has been deleted as unnecessary.

Statutory condition 10 is the same as present statutory condition 17 except that the expression "other than benefits for loss of time" has been used for uniformity with other statutory conditions.

Statutory condition 11 is similar in purpose to present statutory condition 18 but the wording has been simplified.

Statutory condition 12 is the same as present statutory condition 21 except that the limitation period is stated in the negative.

Section 224 replaces present sections 222 and 224 and provides a greater degree of flexibility in the use of statutory conditions.

Subsection 1 is designed to permit, for instance, the omission of statutory condition 11 in a hospital expense policy that does not provide loss of time benefits.

Subsection 2 would permit simplifying a policy by the omission of the conditions referred to therein in cases where the insurer is prepared to waive the subject-matter of these conditions.

Subsection 3 permits the omission of all reference to termination of the contract where the insurer does not wish to include the right to terminate.

Subsection 4 permits flexibility in the named conditions where the insured and beneficiary are not thereby prejudiced.

Subsection 5 permits a degree of leeway, again in favour of the insured and beneficiary, in the time periods prescribed in conditions 10, 11 and 12.

Subsection 6 requires that titles of statutory conditions be printed in the policy but permits the omission of the numbers of the conditions in order to avoid confusion where some of the conditions have been omitted pursuant to this section.

Subsection 7 contains special adaptations for fraternal insurance. Other changes relating to fraternal are in sections 222 and 226.

Section 225 is the same as present section 223.

Section 226 is a revision of present section 219. Three minor changes have been made: (1) subsection 2 has been rearranged; (2) in subsection 3 the words "or a part thereof" have been added after the word "premium" in the first line and the words "is not paid" added after the words "promissory note" in the third line; and (3) subsection 4 has been added.

(4) Statutory conditions 3, 4, 5, 6 and 9, and statutory ^{Idem} condition 7 except, in policies providing benefits for loss of time, clauses *a* and *b* of paragraph 1 thereof, may be varied but if by reason of the variation the contract is less favourable to the insured, person insured or beneficiary than it would be if the condition had not been varied, the condition shall be deemed to be included in the policy in the form in which it appears in section 223.

(5) Statutory conditions 10 and 11 may be varied by ^{Idem} shortening the periods of time prescribed therein and statutory condition 12 may be varied by lengthening the period of time prescribed therein.

(6) The title of a statutory condition shall be reproduced ^{Idem} in the policy along with the statutory condition but the number of a statutory condition may be omitted.

(7) In the case of a contract made by a fraternal society, ^{Idem}

(a) the following provision shall be printed on every policy in substitution for paragraph 1 of statutory condition 1 in section 223:

1.—(1) The Contract

This policy, the Act or instrument of incorporation of the insurer, its constitution, by-laws and rules, and the amendments made from time to time to its constitution, by-laws or rules, the application for the contract and the medical statement of the applicant constitute the entire contract and no agent has authority to change the contract or waive any of its provisions.

and

(b) statutory condition 5 in section 223 shall not be printed on the policy.

225. Where a policy of accident insurance is issued through ^{Statutory conditions, notice as to} the agency of a transportation corporation that holds a licence issued under section 290, the statutory conditions set out in section 223 need not be printed on the policy if the policy contains the following notice printed in conspicuous type: "Notwithstanding any other provision herein contained this contract is subject to the statutory conditions respecting contracts of accident insurance."

226.—(1) Where a policy is delivered, the contract is as ^{Delivery of policy} binding on the insurer as if the premium had been paid, although it has not in fact been paid, and although delivered by an officer or agent of the insurer who did not have authority to deliver it.

Right where
premium
unpaid

(2) The insurer may deduct the unpaid premium from the amount for which it may become liable under the contract or may sue the insured therefor.

Where
cheque or
note for
premium
not paid

(3) Where the premium or a part thereof is paid by a cheque or a promissory note and the cheque is not paid on presentation or the promissory note is not paid at maturity, the contract is voidable at the option of the insurer.

Fraternal
contracts

(4) This section does not apply to a contract made by a fraternal society.

INSURABLE INTEREST

Insurable
interest in
own life and
well-being

226a. Every person has an insurable interest in his own life and well-being.

Insurable
interest in
lives and
well-being
of others

226b. Without restricting the meaning that "insurable interest" now has in law, each of the following persons has an insurable interest:

- (a) a parent in the life and well-being of his child under twenty-five years of age;
- (b) a husband in the life and well-being of his wife;
- (c) a wife in the life and well-being of her husband;
- (d) one person in the life and well-being of another upon whom he is wholly or in part dependent for support or education, or from whom he is receiving support or education;
- (e) a corporation or other person in the life and well-being of its or his officer or employee;
- (f) a person who has a pecuniary interest in the duration of the life and continued well-being of another person, in the life and well-being of that person.

Contract
void without
insurable
interest

226c.—(1) A contract is void, if, at the time at which it would otherwise take effect and be binding, the insured has no insurable interest in the person insured.

Group
contracts

(2) Notwithstanding subsection 1, a contract of group accident insurance or of group sickness insurance or of both is valid if it provides benefits solely for the persons insured under the contract.

When insur-
able interest
unnecessary

226d. Where the insured has at the time at which the contract takes effect an insurable interest in the person in-

Sections 226*a* to 226*e* are adaptations of sections 151 to 155 of the Life Part now applicable to accident and sickness insurance by cross-reference. No changes have been made except (1) the expression "life and well-being" is used instead of "life", and (2) a new subsection 2 has been added to section 226*c*.

Section 226*b*—See note to section 226*a*.

Section 226*c*—New subsection 2 has been added to make it clear that a group contract is not void for lack of insurable interest if the contract provides benefits solely for the persons insured in the group.

Section 226*d*—See note to section 226*a*.

Section 226*e*—See note to section 226*a*.

Section 226*f* is similar to the first part of present statutory condition 2.

Section 226*g*—New subsection 1 makes innocent misstatements, except those relating to age, incontestable after the policy has been in force two years.

Subsection 2 is necessary to except from the operation of subsection 1 those cases where a claim made after the expiry of the contestable period actually arose from a loss incurred or a disability beginning within that period.

Section 226*h* is new and provides that pre-existing conditions will not affect a claim unless specifically excluded from the policy (a) if the loss occurs after a period of two years' cover, or (b) at any time if the pre-existing condition was disclosed by the insured on his application.

sured, it is not necessary for the validity of the contract or an assignment thereof that a beneficiary, or a person claiming under an assignment, or by will or by succession, have an insurable interest.

POLICIES ON THE LIVES OF MINORS

226e. A minor, after attaining the age of fifteen years, has the capacity of minors the capacity of a person of full age,

- (a) to effect a contract on his own life or well-being and to deal with the contract;
- (b) to deal with a contract on his own life or well-being effected by him before attaining the age of fifteen years;
- (c) to deal with his interest in a contract effected on his life or well-being by another, whether effected before or after the minor attained the age of fifteen years; and
- (d) if married, to effect a contract on the life or well-being of his spouse or of his children, or of both, and to deal with the contract.

MISREPRESENTATION AND NON-DISCLOSURE

226f. The statements made by the insured in his application for the contract are, in the absence of fraud, representations in application and not warranties.

226g.—(1) Except as provided in subsection 2, after a contract, including renewals thereof, has been in force for two years with respect to a person insured, every statement made in the written application in respect of that person, other than a fraudulent statement or a statement erroneous as to age, shall be deemed to be true and is incontestable.

(2) Where a claim arises from a loss incurred or a disability beginning before a contract, including renewals thereof, has been in force for two years with respect to the person in respect of whom the claim is made, subsection 1 does not apply to that claim.

226h. Where a person insured suffers or has suffered from a disease or physical condition that existed prior to the date the contract came into force with respect to that person and the disease or physical condition is not specifically excluded from the insurance,

- (a) the prior existence of the disease or physical condition is not, except in the case of fraud, available as a defence against liability, in whole or in part, for a loss incurred or a disability beginning after the contract, including renewals thereof, has been in force for two years with respect to that person; and
- (b) the existence of the disease or physical condition is not, except in the case of fraud, available as a defence against liability, in whole or in part, if the disease or physical condition was disclosed in the written application for the contract.

BENEFICIARIES

Designation of beneficiary 226i.—(1) Where insurance money is payable upon death by accident, the insured, or in the case of group accident insurance the person insured, may designate in writing a beneficiary to receive the insurance money or part thereof and may alter or revoke in writing any prior designation.

Death of beneficiary (2) If the beneficiary is not living at the time of the death of the person insured, the insurance money is payable to the insured or his estate or in the case of group accident insurance the estate of the person insured, unless the instrument by which the beneficiary is designated otherwise provides.

Right to sue (3) A beneficiary designated pursuant to subsection 1 may upon the death of the person insured enforce for his own benefit the payment of insurance money payable to him and payment to the beneficiary discharges the insurer, but the insurer may set up any defence that it could have set up against the insured, or the person insured in the case of group accident insurance, or the personal representative of either of them.

MISCELLANEOUS

Misstatement of age 226j.—(1) Subject to subsection 2, if the age of the person insured has been misstated, the amounts payable under the contract are those that the premium paid would have purchased if the correct age had been stated.

True age governs (2) Where the age of the person insured affects the commencement or termination of the insurance, the true age governs.

Presumption of death 226k. Where a contract provides for the payment of moneys upon the death by accident of the person insured and the person insured and the beneficiary perish in the same disaster, it shall be *prima facie* presumed that the beneficiary died first.

Section 226*i* is new and provides for the appointment of beneficiaries of an accidental death benefit and for a direct right of action by such a beneficiary against the insurer.

Section 226*j* is new and lays down rules appropriate to accident and sickness insurance respecting misstatements of age.

Section 226*k* is an adaptation of present section 183 of the Life Part now applicable to accident and sickness insurance by cross-reference.

Section 226*l* is an adaptation of section 188 (1) and (3) and section 190 of the Life Part.

Section 226*m* is new and is parallel to section 138 of the Life Part. The section will enable insurers to pay numerous small amounts to widows and others where the estate of the deceased is too small to warrant the cost of taking out letters of administration or probate.

Section 226*n* is new and prevents the giving of undue prominence to the benefit provisions of a policy as compared to its restrictions.

Section 226*o* is the same as present section 226 except that the words "after the maturity of the contract" have been changed to "with respect to the loss insured against". Also, a reference is added to the court before which a question is tried.

226l.—(1) Where the insurer admits liability for the insurance money or any part thereof, and it appears to the insurer that, ^{Payment into court}

- (a) there are adverse claimants;
- (b) the place of abode of a person entitled is unknown;
or
- (c) there is no person capable of giving and authorized to give a valid discharge, who is willing to do so,

the insurer may apply *ex parte* to the court for an order for payment of the money into court, and the court may upon such notice, if any, as it thinks necessary make an order accordingly.

(2) The court may fix and ascertain without taxation the costs incurred upon or in connection with any application or order made under subsection 1 and may order the costs to be paid out of the insurance money or by the insurer or otherwise as seems just. ^{Costs of proceedings}

(3) A payment made pursuant to an order under subsection 1 discharges the insurer to the extent of the payment. ^{Discharge of insurer}

226m. Where insurance money is payable to a beneficiary or to the estate of the insured or of the person insured, the insurer may, if the contract so provides, pay an amount not exceeding \$2,000 to, ^{Payments not exceeding \$2,000}

- (a) a relative by blood or connection by marriage of the insured or of the person insured; or
- (b) any person appearing to the insurer to be equitably entitled thereto by reason of having incurred expense for the maintenance, medical attendance or burial of the insured or person insured or to have a claim against the estate of the insured or of the person insured in relation thereto.

226n. The insurer shall not, in the policy, give undue prominence to any provision or statutory condition as compared to other provisions or statutory conditions, unless the effect of that provision or statutory condition is to increase the premium or decrease the benefits otherwise provided for in the policy. ^{Undue prominence}

226o. Where there has been imperfect compliance with a statutory condition as to the proof of loss to be given by the ^{Relief from forfeiture}

claimant or as to any matter or thing to be done or omitted by the insured or claimant with respect to the loss insured against, and a consequent forfeiture or avoidance of the insurance in whole or in part, and a court before which a question relating thereto is tried deems it inequitable that the insurance should be forfeited or avoided on that ground, the court may relieve against the forfeiture or avoidance on such terms as it deems just.

Presumption
against
agency

226*p*. No officer, agent, employee or servant of the insurer or any person soliciting accident insurance or sickness insurance or both, whether an agent of the insurer or not, shall, to the prejudice of the insured or of the person insured, be deemed to be for any purpose whatever the agent of the insured or of the person insured in respect of any question arising out of the contract.

Commence-
ment

18.—(1) This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Application

(2) Except as provided in subsection 3, this Act applies only to contracts made on or after the day this Act comes into force.

Exception

(3) Sections 226*g*, 226*h*, 226*i*, 226*j* and 226*l* of *The Insurance Act*, as enacted by section 17, apply to contracts in effect on the day this Act comes into force.

Short title

19. This Act may be cited as *The Insurance Amendment Act, 1956*.

Section 226*p* is parallel to section 150 of the Life Part, now applicable by cross-reference.

BILL

An Act to amend The Insurance Act

1st Reading

February 1st, 1956

2nd Reading

3rd Reading

MR. ROBERTS

No. 46

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Insurance Act

MR. ROBERTS

(Reprinted as amended by the Committee on Legal Bills)

TORONTO
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GENERAL EXPLANATORY NOTES

(SECTIONS 1 TO 16)

While at first glance it may appear that the Fire Insurance Part has been rather extensively redrafted, a closer examination will establish that the protection presently afforded to the insured has not been reduced but on the contrary this has been somewhat extended.

The necessity for the revision arose from

- (a) the fact that but few policies today insure only against the peril of fire alone. Most policies are multi-peril or all risks and the practice is rapidly expanding. The revision eliminates doubts which have existed as to the application of the Part because of certain court decisions. At the same time it was necessary to provide greater flexibility in the law for the coverage now being given;
- (b) the fact that many of the statutory conditions are antiquated and, in many cases, serve no useful purpose as they are waived by insurers in most of their policies. These are statutory conditions which operate in favour of the insurer and required unnecessary printing.

Broadly the scope of the revision may be summarized as follows:

- (1) Duplicate sections have been eliminated or consolidated, e.g. section 27 is primarily the fire licensing section. Section 105 of the Part also dealt with this aspect. Section 27 has been redrafted to include within its scope all of the licensing aspects. Section 107 merely duplicates section 92. The former has therefore been eliminated. Section 103 (2) and (3) have been eliminated as these are, in effect, duplication of other provisions.
- (2) As indicated in (a) above, the doubt as to the application of the Part has been eliminated by specific provision in proposed section 104. The extended coverage now given with the peril of fire makes this necessary to avoid litigation.
- (3) The scope of the coverage against the peril of fire has been defined by proposed section 105. This is, in effect, the combination of the definition of fire insurance with present statutory conditions 6 and 12 and the exclusion in present statutory conditions 4(b) and (d). Thus, in one place will be found the coverage where a policy insures against the peril of fire. Provision has been made by proposed section 105 for certain restrictions but subject to the protection for the insured of section 113.
- (4) The number of statutory conditions has been reduced from 24 to 15. This will save considerable unnecessary printing. This reduction has been accomplished
 - (i) by transferring to the substantive law statutory conditions 2, 9, 21, 22 and 24 relating to form of contract, notice to payees, agency and waiver and subrogation respectively. These are not properly conditions but substantive statements of law. As noted in item (3) above, statutory conditions 4(b) and (d), 6, 8 and 12 have also been transferred.
 - (ii) by deleting statutory conditions 3, 4(c), 5(a), (b) and (d) and 8. These deal with property excluded unless specifically included, want of substantial chimneys, repairs, inflammable substances, vacancy and other insurance. In so far as present statutory condition 3 is concerned this is merely part of the property cover and is properly the subject of contractual provision. The insured cannot suffer in any way by this change. Statutory condition 4(c) is today of no practical importance to insurers. Statutory condition 5(a),

(b) and (d) are waived by insurers in the vast majority of cases. If, for special risks, it is necessary to provide a similar condition this may be done under section 105 but subject to the insured receiving the protection of section 113. Statutory condition 8, with its penalty, appears to be unnecessary in view of present section 110 in the revision. Any question as to elimination of what may be described as fire prevention conditions is shortly answered by the continuation of present statutory condition 7, the fact that they are generally waived in whole or in part and by the provision of such conditions for special risks.

(iii) by the transfers to substantive law mentioned in item (3) above.

- (5) As previously indicated, present section 113 in the revision has been extended to give a larger measure of protection to the insured but at the same time giving somewhat more flexibility to meet modern conditions and coverages—coverages which are in fact being given although doubt exists as to the legal situation under the present Part. Section 109 dealing with co-insurance and limitation of liability clauses has been revised as section 110 to make its application more certain. The present wording is ambiguous and creates substantial difficulties of interpretation.

It will be observed from the foregoing that the revision is not in principle one derogating from the protection of the insured—indeed in some aspects this is extended. It is merely to meet the existing and developing situation in the forms of contract being offered. It may be suggested that this revision “jettisons” the existing case law and therefore will “breed” more litigation. This suggestion is without sound foundation as most of the important conditions have been retained in their present or in substantially their present form and therefore the case law continues to apply. Those eliminated cannot adversely affect the insured or encourage litigation.

To continue the Fire Insurance Part in its present form cannot be justified in the light of changing modern conditions and coverages.

(SECTION 17)

Part VII was first enacted in 1922. It was revised in 1924 but since that time very few changes have been made in it.

The purpose of this revision is threefold:

1. To add a number of provisions designed to assure increased protection to policyholders and beneficiaries;
2. To shorten and simplify the statutory conditions; and
3. To permit a degree of flexibility in cases where it is appropriate to allow an insurer to vary or omit a statutory condition.

New Provisions to protect Policyholders and Beneficiaries—

The following are the principal new provisions in this category:

1. New section 222 requiring that exceptions from and reductions in benefits be clearly brought to the notice of the insured;
2. New paragraph 2 added to statutory condition 7 giving a claimant additional time, up to one year, to furnish proof of claim, as well as notice of claim as now provided, if it is not reasonably possible for him to comply with the periods prescribed;
3. New section 226g making innocent misrepresentations, except those relating to age, incontestable after the policy has been in force two years;
4. New section 226h stating that pre-existing conditions will not affect a claim unless specifically excluded from the policy (a) if the loss occurs after a period of two years' cover, or (b) at any time if the pre-existing condition was disclosed by the insured on his application;

5. New section 226*i* providing for the appointment of beneficiaries of an accidental death benefit and giving them a direct right of action against the insurer;
6. New section 226*m*, a facility of payment section permitting insurers to pay up to \$2,000 to the relatives of a deceased insured (or others who have incurred expense on his behalf);
7. New section 226*n*, a prohibition against giving undue prominence to the benefit provisions of a policy as compared to its restrictions.

Shortening and Simplification of Statutory Conditions—

Because many insureds do not carefully read their policies due to their length, the statutory conditions should be no longer than necessary. In this revision, the present statutory conditions have been shortened without sacrificing their purpose.

Flexibility—

In addition to a shortening of the conditions, there are numerous respects in which it would be entirely proper for an insurer to vary or omit some of the conditions so long as the insured is not thereby prejudiced. This is in part due to the fact that the statutory conditions are framed to cover all forms of accident and sickness insurance, whereas a particular policy may relate only to one form, e.g., hospital expense insurance. Furthermore, some of the conditions are designed to regulate the extent to which insurers may exercise some of the privileges given to them by the conditions, e.g., the right to terminate a policy. Where a policy may not be terminated, such a provision is naturally inappropriate.

In the result, the new revision will give more protection to the insured than the present Part VII but will permit the simplification of policy forms and in this way should lead to a better understanding by the public of this form of insurance.

Fraternal Contracts—

The present exemption of fraternal societies and their contracts from Part VII has been removed. The revised Part VII will apply to these societies and their contracts subject to the special provisions relating thereto in sections 222, 224 and 226.

SECTION 1. This combines present section 27 and two of the sub-sections of section 105.

SECTION 2. Section 34 requires notice to the Superintendent of disputed claims and is unnecessary.

SECTION 3. This is a combination of present sections 92 and 107 with very slight amendment.

BILL

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 27 of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 183, s. 27,
re-enacted

27.—(1) Every issuer licensed to carry on fire insurance may, subject to its Act of incorporation and subject to the restrictions prescribed by the licence, insure or reinsure any property in which the insured has an insurable interest against loss or damage by fire, lightning or explosion and may insure or reinsure the same property against loss or damage from falling aircraft, earthquake, windstorm, tornado, hail, sprinkler leakage, riot, malicious damage, weather, water damage, smoke damage, civil commotion and impact by vehicles and any one or more perils falling within such other classes of insurance as are prescribed by the regulations. Scope of fire
insurance
licence

(2) An insurer licensed to carry on fire insurance may insure an automobile against loss or damage under a policy falling within Part IV of this Act; but in the case of a purely mutual fire insurance corporation, incorporated or licensed in Ontario and carrying on business on the premium note plan, the automobile shall be specifically insured under a policy separate from that insuring other property. Insurance of
automobiles

2. Section 34 of *The Insurance Act* is repealed.

R.S.O. 1950,
c. 183, s. 34,
repealed

3. Section 92 of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 183, s. 92,
re-enacted

92.—(1) Every policy shall contain the name of the insurer, the name of the insured, the name of the Contents of
policy

person or persons to whom the insurance money is payable, the premium for the insurance, the subject-matter of the insurance, the indemnity for which the insurer may become liable, the event on the happening of which the liability is to accrue and the term of the insurance.

Application
of section

- (2) This section does not apply to contracts of automobile and guarantee insurance.

R.S.O. 1950,
c. 183, s. 95,
re-enacted

4. Section 95 of *The Insurance Act* is repealed and the following substituted therefor:

Effect of
delivery of
policy

- 95.—(1) Where the policy has been delivered, the contract shall be as binding on the insurer as if the premium had been paid, although it has not in fact been paid, and although delivered by an officer or agent of the insurer who had not authority to deliver it.

Right of
insurer in
respect of
unpaid
premium

- (2) The insurer may sue for the unpaid premium and may deduct the amount thereof from the amount for which he is liable under the contract of insurance.

Where note
or cheque for
premium not
honoured

- (3) Where a cheque, bill of exchange or promissory note or any promise to pay is given, whether originally or by way of renewal, for the whole or part of any premium and the cheque, bill of exchange or promissory note or other promise to pay is not honoured according to its tenor, the insurer may terminate the contract forthwith by giving written notice by registered mail.

R.S.O. 1950,
c. 183, s. 96,
subs. 1,
re-enacted

5. Subsection 1 of section 96 of *The Insurance Act* is repealed and the following substituted therefor:

Insurer
to furnish
forms

- (1) Every insurer, immediately upon receipt of a request, and in any event not later than sixty days after receipt of notice of loss, shall furnish to the insured or person to whom the insurance money is payable forms upon which to make the proof of loss required under the contract.

R.S.O. 1950,
c. 183, s. 97,
re-enacted

6. Section 97 of *The Insurance Act* is repealed and the following substituted therefor:

When action
may be
brought
under
contract

97. No action shall be brought for the recovery of money payable under a contract of insurance until the expiration of sixty days after proof, in accordance with the provisions of the contract,

(a) of the loss; or

SECTION 4. This is substantially the same as present section 95.

SECTION 5. This is comparable to the present subsection.

SECTION 6. Present subsection 2 of section 97 is deleted and the wording of subsection 1 is clarified.

SECTION 7. Paragraph 2 appears to be unnecessary in view of proposed section 104. Paragraph 3 is unnecessary because of the earlier definition of "property".

SECTION 8. This is designed to carry into effect the purpose of the revision in so far as it affects the scope of the Part.

SECTION 9. Present section 105 has been incorporated in proposed section 27. This section is designed to define the scope of the peril of fire.

(b) of the happening of the event upon which the insurance money is to become payable,

or of such shorter period as may be fixed by the contract of insurance.

7. Paragraphs 2 and 3 of section 103 of *The Insurance Act* are repealed. R.S.O. 1950, c. 183, s. 103, pars. 2, 3, repealed

8. Section 104 of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 183, s. 104, re-enacted

104.—(1) This Part applies to insurance against loss of or damage to property arising from the peril of fire in any contract made in the province except, Application of Part

(a) insurance falling within the classes of aircraft, automobile, boiler and machinery, inland transportation, marine, plate glass, sprinkler leakage and theft insurance;

(b) where the subject-matter of the insurance is rents, charges or loss of profits; or

(c) where the peril of fire is an incidental peril to the coverage provided.

(2) Notwithstanding subsection 1, this Part applies to insurance of an automobile as provided in subsection 2 of section 27. Automobiles

9. Section 105 of *The Insurance Act*, as amended by section 1 of *The Insurance Amendment Act, 1953*, is repealed and the following substituted therefor: R.S.O. 1950, c. 183, s. 105, re-enacted

105.—(1) Subject to subsection 4 of this section and to clause a of section 113, in any contract to which this Part applies, the contract shall be deemed to cover the insured property, Extent of coverage by contract

(a) against fire (whether resulting from explosion or otherwise) not occasioned by or happening through,

(i) its undergoing any process involving the application of heat,

(ii) riot, civil commotion, war, invasion, act of foreign enemy, hostilities (whether war be declared or not), civil war, rebellion, revolution, insurrection or military power;

(b) against lightning, but excluding destruction or loss to electrical devices or appliances caused by lightning or other electrical currents unless fire originates outside the article itself and only for such destruction or damage as occurs from such fire;

(c) against explosion due to ignition, not occasioned by or happening through any of the perils specified in subclause ii of clause a, in a building not being part of any gas works, of gas used for domestic purposes or used for lighting or heating the building.

Exception



(2) Unless otherwise specifically provided therein, in any contract to which this Part applies, nuclear change or radioactivity shall not be considered to be a fire or an explosion, but this provision shall not be construed so as to exclude loss or damage caused by fire or explosion resulting from nuclear change or radioactivity.

Coverage where property removed

(3) Where property insured under a contract covering at a specified location is necessarily removed to prevent loss or damage or further loss or damage thereto, that part of the insurance under the contract that exceeds the amount of the insurer's liability for any loss incurred shall, for seven days only or for the unexpired term of the contract if less than seven days, cover the property removed and any property remaining in the original location in the proportions which the value of the property in each of the respective locations bears to the value of the property in them all.

Extended insurance

(4) Nothing in subsection 1 precludes an insurer giving more extended insurance against the perils mentioned therein, but in that case this Part does not apply to the extended insurance.

Power to extend meaning of "lightning" in live stock contracts

(5) An insurer licensed to carry on fire insurance may include in its insurance contracts a clause or endorsement providing that, in the case of live stock insured against death or injury caused by fire or lightning, the word "lightning" is deemed to include other electrical currents.

R.S.O. 1950, c. 183, s. 107, re-enacted

10. Section 107 of *The Insurance Act* is repealed and the following substituted therefor:

Form of contract

107. After an application for insurance is made, if it is in writing, any policy sent to the insured shall be deemed to be intended to be in accordance with the terms of the application, unless the insurer points

Subsection 2 will remove doubts as to nuclear reaction or radioactivity being considered as fire or explosion.

SECTION 10. Present section 107 has been incorporated in proposed section 92. The new section is in substance present statutory condition 2.

SECTION 11. The re-enactment is in substance present statutory condition 9 but requires the same notice of cancellation of a policy to a mortgagee as to the insured. Present statutory condition 9 specifies only "reasonable notice". The new section 108a replaces present section 108 dealing with the statutory conditions.

Statutory condition 1 is identical with present statutory condition 1 except that the words "as to the property in respect of which the misrepresentation or omission is made" have been slightly amended.

Statutory condition 2 is statutory condition 4(a). The balance of the condition along with statutory condition 3 has been deleted.

Statutory condition 3, in substance, reproduces present clause (c) of statutory condition 5. The remainder of statutory condition 5 has been deleted.

Statutory condition 4 reproduces present statutory condition 7 without change.

out in writing the particulars wherein it differs from the application, in which case the insured may, within two weeks from the receipt of the notification, reject the policy.

11. Section 108 of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 183, s. 108,
re-enacted

- 108.—(1) Where the loss, if any, under a contract has, with the consent of the insurer, been made payable to a person other than the insured, the insurer shall not cancel or alter the policy to the prejudice of that person without notice to him. Mortgagees
and other
payees
- (2) The length of and manner of giving the notice under subsection 1 shall be the same as notice of cancellation to the insured under the statutory conditions in the contract. Form of
notice
- 108a.—(1) The conditions set forth in this section shall be deemed to be part of every contract in force in Ontario and shall be printed on every policy with the heading "Statutory Conditions" and no variation or omission of or addition to any statutory condition shall be binding on the insured. Statutory
conditions
- (2) In this section, "policy" does not include interim receipts or binders. Interpre-
tation

STATUTORY CONDITIONS

Misrepresentation

1. If any person applying for insurance falsely describes the property to the prejudice of the insurer, or misrepresents or fraudulently omits to communicate any circumstance which is material to be made known to the insurer in order to enable it to judge of the risk to be undertaken, the contract shall be void as to any property in relation to which the misrepresentation or omission is material.

Property of Others

2. Unless otherwise specifically stated in the contract, the insurer is not liable for loss or damage to property owned by any person other than the insured, unless the interest of the insured therein is stated in the contract.

Change of Interest

3. The insurer shall be liable for loss or damage occurring after an authorized assignment under the *Bankruptcy Act* or change of title by succession, by operation of law, or by death.

Material Change

4. Any change material to the risk and within the control and knowledge of the insured shall avoid the contract as to the part affected thereby, unless the change is promptly notified in writing to the insurer or its local agent; and the insurer when so notified may return the unearned portion, if any, of the premium paid and cancel the contract, or may notify the insured in writing that, if he desires the

contract to continue in force, he must, within fifteen days of the receipt of the notice, pay to the insurer an additional premium; and in default of such payment the contract shall no longer be in force and the insurer shall return the unearned portion, if any, of the premium paid.

Termination of Insurance

5.—(1) The insurance may be terminated:

- (a) subject to the statutory provision relating to cases where loss under the contract has, with the consent of the insurer, been made payable to some person other than the insured, by the insurer giving to the insured at any time fifteen days notice of cancellation by registered mail, or five days notice of cancellation personally delivered, and, if the insurance is on the cash plan, by refunding the excess of premium actually paid by the insured beyond the pro rata premium for the expired time;
- (b) if on the cash plan, by the insured giving written notice of termination to the insurer, in which case the insurer shall, upon surrender of this policy, refund the excess of premium actually paid by the insured beyond the customary short rate for the expired time.

(2) Repayment of the excess premium may be made by money, postal or express company money order, or by cheque payable at par.

(3) If the notice is given by registered letter the repayment shall accompany the notice.

(4) The fifteen days mentioned in clause *a* of subparagraph 1 of this condition shall commence to run from the day following the receipt of the registered letter at the post office to which it is addressed.

Requirements After Loss

6.—(1) Upon the occurrence of any loss of or damage to the insured property, the insured shall, if such loss or damage is covered by the contract, in addition to observing the requirements of conditions 9, 10 and 11,

- (a) forthwith give notice thereof in writing to the insurer;
- (b) deliver as soon as practicable to the insurer a proof of loss verified by a statutory declaration,
 - (i) giving a complete inventory of the destroyed and damaged property and showing in detail quantities, costs, actual cash value and particulars of amount of loss claimed,
 - (ii) stating when and how the loss occurred, and if caused by fire or explosion due to ignition, how the fire or explosion originated, so far as the insured knows or believes,
 - (iii) stating that the loss did not occur through any wilful act or neglect or the procurement, means or connivance of the insured,
 - (iv) showing the amount of other insurances and the names of other insurers,
 - (v) showing the interest of the insured and of all others in the property with particulars of all liens, encumbrances and other charges upon the property,
 - (vi) showing any changes in title, use, occupation, location, possession or exposures of the property since the issue of the contract,
 - (vii) showing the place where the property insured was at the time of loss;
- (c) if required give a complete inventory of undamaged property and showing in detail quantities, cost, actual cash value;

Statutory condition 5 is in substance the same as present statutory condition 10.

Statutory condition 6 is similar to present statutory condition 15.

Statutory condition 7 is a reproduction of present statutory condition 16.

Statutory condition 8 is in substance present statutory condition 14 but based upon Automobile Insurance statutory condition 10.

Statutory condition 9 is similar to present statutory condition 11.

Statutory condition 10 is substantially the same as present statutory condition 13.

Statutory condition 11 replaces ~~present~~ present statutory condition 17, adopting appraisal rather than arbitration.

Statutory condition 12 is identical with present statutory condition 18.

- (d) if required and if practicable, produce books of account, warehouse receipts and stock lists, and furnish invoices and other vouchers verified by statutory declaration, and furnish a copy of the written portion of any other contract.

(2) The evidence furnished under clauses (c) and (d) of subparagraph (1) of this condition shall not be considered proofs of loss within the meaning of conditions 12 and 13.

Fraud

7. Any fraud or wilfully false statement in a statutory declaration in relation to any of the above particulars, shall vitiate the claim of the person making the declaration.

Who may give notice and proof

8. Notice of loss may be given, and proof of loss may be made, by the agent of the insured named in the contract in case of absence or inability of the insured to give the notice or make the proof, and absence or inability being satisfactorily accounted for, or in the like case, or if the insured refuses to do so, by a person to whom any part of the insurance money is payable.

Salvage

9.—(1) The insured, in the event of any loss or damage to any property insured under the contract, shall take all reasonable steps to prevent further damage to any such property so damaged and to prevent damage to other property insured hereunder including, if necessary, its removal to prevent damage or further damage thereto.

(2) The insurer shall contribute pro rata towards any reasonable and proper expenses in connection with steps taken by the insured and required under subparagraph 1 of this condition according to the respective interests of the parties.

Entry, Control, Abandonment

10. After any loss or damage to insured property, the insurer shall have an immediate right of access and entry by accredited agents sufficient to enable them to survey and examine the property, and to make an estimate of the loss or damage, and, after the insured has secured the property, a further right of access and entry sufficient to enable them to make appraisal or particular estimate of the loss or damage, but the insurer shall not be entitled to the control or possession of the insured property, and without the consent of the insurer there can be no abandonment to it of insured property.

Appraisal

11.—(1) If any difference arises as to the value of the property insured, the property saved or the amount of the loss, that value and amount shall, whether the right to recover on the contract is disputed or not, be ascertained by two competent and disinterested appraisers, the insured and the insurer each selecting one, and the two so chosen then selecting a competent and disinterested umpire.

(2) The appraisers together shall then estimate and appraise the loss or damage; stating separately the sound values and damage and, failing to agree, shall submit their differences to the umpire; and the finding in writing of any two shall determine the value of the property insured, the property saved and the amount of loss.

(3) The parties thereto shall pay the appraisers respectively selected by them, and shall bear equally the expense of the appraisal and umpire.

When Loss Payable

12. The loss shall be payable within sixty days after completion of the proof of loss, unless the contract provides for a shorter period.

Replacement

13.—(1) The insurer, instead of making payment, may repair, rebuild, or replace the property damaged or lost, giving written notice of its intention so to do within thirty days after receipt of the proofs of loss.

(2) In that event the insurer shall commence to so repair, rebuild, or replace the property within forty-five days after receipt of the proofs of loss, and shall thereafter proceed with all due diligence to the completion thereof.

Action

14. Every action or proceeding against the insurer for the recovery of any claim under or by virtue of this contract shall be absolutely barred unless commenced within one year next after the loss or damage occurs.

Notice

15.—(1) Any written notice to the insurer may be delivered at, or sent by registered post to, the chief agency or office of the insurer in the Province or delivered or so sent to any authorized agent of the insurer therein.

(2) Written notice may be given to the insured by letter personally delivered to him or by registered letter addressed to him at his latest post office address notified to the insurer, or, where no address is notified and the address is not known, addressed to him at the post office of the agency, if any, from which the application was received.

R.S.O. 1950,
c. 183, s. 109,
re-enacted

12. Section 109 of *The Insurance Act* is repealed and the following substituted therefor:

Limitation
of liability
clauses

109. A contract containing a co-insurance, average, average distribution or other clause that requires or may require the insured to contribute to any loss shall have printed or stamped upon its face in red ink the words: "This policy contains a clause which may limit the amount payable", and unless those words are so printed or stamped the clause shall not be binding upon the insured.

R.S.O. 1950,
c. 183, s. 110,
re-enacted

13. Section 110 of *The Insurance Act* is repealed and the following substituted therefor:

Rateable
contribution

110.—(1) Where, on the happening of any loss or damage to property insured, there is in force more than one contract covering the same interest, the insurers under the respective contracts shall each be liable to the insured for its rateable proportion of the loss unless it is otherwise expressly agreed in writing between the insurers.

Effect of
policy may
not be
postponed

(2) For the purpose of subsection 1, a contract shall be deemed to be in force notwithstanding any term thereof that the policy shall not cover, come into force, attach, or become insurance with respect to the property until after full or partial payment of any loss under any other policy.

Certain
restrictions
valid

(3) Nothing in subsection 1 affects the validity of any divisions of the sum insured into separate items, or

Statutory condition 13 is identical with present statutory condition 19, except for extension of times.

Statutory condition 14 is identical with present statutory condition 20.

Statutory condition 15 is identical with present statutory condition 23 except the word "head" has been deleted before "office".

SECTION 12. This replaces present section 109 but is in very much abbreviated form.

SECTION 13. This proposed revision eliminates the need for the present statutory condition 8. Subsection 4 is new, intended to provide a method of ascertaining rateable proportions when there are deductibles. In view of the proposed revision of section 104, subsection 5 of the present section 110 is unnecessary.

SECTION 14. The repealed section dealt with red ink on policies.

SECTION 15. This, with slight verbal change only, is same as present section 112.

SECTION 16. Section 113 retains the basic provisions of the present section although clause *a* is new. This has been inserted because the Fire Insurance Part, as amended by this bill, in terms has a broader application than the existing Part in that it covers the peril of fire in any contract other than those specifically excluded.

any limits of insurance on specified property, or any clause referred to in section 109 or any contract condition limiting or prohibiting the having or placing of other insurance.

- (4) Nothing in subsection 1 affects the operation of any deductible clause and, Ascertainment of rateable proportions

(a) where one contract contains a deductible, the pro rata proportion of the insurer under that contract shall be first ascertained without regard to the clause and then the clause shall be applied only to affect the amount of recovery under that contract; and

(b) where more than one contract contains a deductible, the pro rata proportion of the insurers under those contracts shall be first ascertained without regard to the deductible clauses and then the highest deductible shall be pro rated among the insurers with deductibles and these pro rated amounts shall affect the amount of recovery under those contracts.

- (5) Notwithstanding subsection 1, insurance on identified articles shall be a first loss insurance as against all other insurance. Insurance on identified articles

14. Section 111 of *The Insurance Act* is repealed.

R.S.O. 1950,
c. 183, s. 111,
repealed

15. Section 112 of *The Insurance Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 183, s. 112,
re-enacted

112. Where there has been imperfect compliance with a statutory condition as to the proof of loss to be given by the insured and a consequent forfeiture or avoidance of the insurance, in whole or in part, and the court deems it inequitable that the insurance should be forfeited or avoided on that ground, the court may relieve against the forfeiture or avoidance on such terms as may seem just. Relief from forfeiture

16. Section 113 of *The Insurance Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 183, s. 113,
re-enacted

113. Where a contract,

Special stipulations

(a) excludes any loss that would otherwise fall within the coverage prescribed by section 105; or

- (b) contains any stipulation, condition or warranty that is or may be material to the risk including, but not restricted to, a provision in respect to the use, condition, location or maintenance of the insured property,

the exclusion, stipulation, condition or warranty shall not be binding upon the insured if it is held to be unjust or unreasonable by the court before which a question relating thereto is tried.

Waiver of
term or
condition

- 113a.—(1) No term or condition of a contract shall be deemed to be waived by the insurer in whole or in part unless the waiver is clearly expressed in writing signed by a person authorized for that purpose by the insurer.

Idem

- (2) Neither the insurer nor the insured shall be deemed to have waived any term or condition of a contract by any act relating to the appraisal of the amount of loss or to the delivery and completion of proofs, or to the investigation or adjustment of any claim under the contract.

Subrogation

- 113b.—(1) The insurer, upon making any payment or assuming liability therefor under a contract of fire insurance, shall be subrogated to all rights of recovery of the insured against any person, and may bring action in the name of the insured to enforce such rights.

Where
amount
recovered is
not sufficient
to indemnify

- (2) Where the net amount recovered after deducting the costs of recovery is not sufficient to provide a complete indemnity for the loss or damage suffered, that amount shall be divided between the insurer and the insured in the proportions in which the loss or damage has been borne by them respectively.

R.S.O. 1950,
c. 183,
Part VII
(ss. 218-226),
re-enacted

17. Part VII of *The Insurance Act*, as amended by section 18 of *The Insurance Amendment Act, 1951*, is repealed and the following substituted therefor:

PART VII

ACCIDENT AND SICKNESS INSURANCE

Interpre-
tation

218. In this Part,

- (a) "contract" means a contract of accident insurance or of sickness insurance or of both;

Section 113a, subsection 1 follows present statutory condition 22 and is comparable to section 203 of the Automobile Insurance Part. Present statutory condition 22 has been eliminated. Subsection 2 follows Automobile Insurance statutory condition 7.

Section 113b replaces statutory condition 24 which, in the case of *Globe & Rutgers vs. Truedell*, 60 O.L.R. 227 was held to be of no value whatsoever. It follows section 204 in the Automobile Insurance Part.

SECTION 17. This is a revision of Part VII.

Clause 7a—The purpose of this definition is to save repeating in the balance of the Part a description of the type of contract governed by the Part. The terms "accident insurance" and "sickness insurance" are defined in section 1 of the Act.

Clause *b*—These terms are used in the definition of “group accident insurance” and “group sickness insurance”, *post*. As provided in section 219(3), certain sections of this Part are made applicable to the latter two types of group insurance. These sections, which are derived from the Life Insurance Part of the Act, are not appropriate to creditor’s group insurance where, as the above definition indicates, a creditor insures his debtors and thus payment of the benefits is made to him. The definition follows closely the definition of “creditor’s group life insurance” in the Life Part.

Clause *c*—This definition follows closely the definition of “group life insurance” in the Life Part. The wording is somewhat broader than the description of the term in present section 218(4). By section 219(3), *post*, certain sections of the Part are made applicable to group insurance.

Clause *d*—This definition and the definition of “person insured” should be read together. Frequently the “insured” and the “person insured” are the same person but where a contract insures more than one person the use of these terms in the balance of this Part makes it possible to distinguish between the provisions applicable to each.

Clause *e*—This definition is similar to the definition of “person” in the Life Part.

Clause *f*—See note to definition of “insured”, *supra*.

Section 219, subsection 1—Present section 218(1) has been clarified.

Subsection 2—The exceptions in present section 218(2) for disability and double indemnity insurance are simplified by a reference to these classes of insurance as defined in section 1. The exception for accident insurance in present section 218(3) is unnecessary in view of the definition of “accident insurance” in section 1. Present section 218(4) is dealt with in the definitions of “group accident insurance” and “group sickness insurance” and in subsection 3 hereof.

Clause *e* replaces present subsection 4*a* of section 218.

Present subsection 5 of section 218 is no longer necessary in view of the addition in this revision of sections 220, 226*a* to 226*e*, 226*k* and 226*p*.

Subsection 3—Present section 218(4) provides that this Part, except present section 226, shall not apply to group insurance. It also states that certain sections of the Life Part shall apply to this class of insurance. These sections are now reproduced in this Part and apply to group insurance. Also new sections 226*i*, 226*l* and 226*m* are made applicable to group insurance.

- (b) "creditor's group accident insurance" and "creditor's group sickness insurance" mean, respectively, accident insurance and sickness insurance effected by a creditor whereby the lives or well-being or the lives and well-being of a number of his debtors are insured severally under a single contract;
- (c) "group accident insurance" and "group sickness insurance" mean, respectively, accident insurance and sickness insurance, other than creditor's group accident insurance and creditor's group sickness insurance, whereby the lives or well-being or the lives and well-being of a number of persons are insured severally under a single contract between an insurer and an employer or other person contracting with the insurer;
- (d) "insured" means a person who makes a contract with an insurer;
- (e) "person" includes a firm, partnership or corporation, an unincorporated society or association, and a trade union;
- (f) "person insured" means a person in respect of an accident to whom, or in respect of whose sickness, benefits are payable under a contract.

APPLICATION OF PART

219.—(1) This Part applies to accident insurance and to sickness insurance and to an insurer carrying on the business of accident insurance or sickness insurance or both.

(2) This Part does not apply to,

Exceptions

- (a) creditor's group accident insurance;
- (b) creditor's group sickness insurance;
- (c) disability insurance;
- (d) double indemnity insurance; or
- (e) insurance provided under section 212a.

(3) This Part, except sections 220, 226b, 226c, 226i, 226k, 226l, 226m and 226p, does not apply to group accident insurance or group sickness insurance.

THE CONTRACT OF INSURANCE

Policy to
evidence
contract

220. A contract shall be evidenced by an instrument in writing called, in this Part, a policy.

Contents
of policy

221. The policy shall contain the name and address of the insurer, the name of the insured, the name of the person to whom the insurance money is payable, the premium for the insurance, the indemnity for which the insurer may become liable, the event on the happening of which such liability is to accrue, and the term of the insurance.

Exceptions
or
reductions

222.—(1) Subject to subsections 2, 3 and 4 of this section, to the statutory conditions in section 223 and to section 226j, the insurer shall set forth in the policy every exception or reduction affecting the amount payable under the contract, either in the provision affected by the exception or reduction or under a heading such as "Exceptions" or "Reductions".

Idem

(2) Where the exception or reduction affects only one provision in the policy, it shall be set forth in that provision.

Idem

(3) Where the exception or reduction is contained in an endorsement, insertion or rider, the endorsement, insertion or rider shall, unless it affects all amounts payable under the contract, make reference to the provisions in the policy affected by the exception or reduction.

Where not
applicable

(4) This section does not apply to a policy issued by a fraternal society.

Statutory
conditions

223. Subject to section 224, the conditions set forth in this section shall be deemed to be part of every contract and shall be printed on every policy with the heading "Statutory Conditions".

STATUTORY CONDITIONS

1.—(1) The Contract

This policy, including the endorsements, insertions or riders, if any, and the application for the contract if attached to the policy, constitutes the entire contract and no agent has authority to change the contract or waive any of its provisions.

(2) Waiver

The insurer shall be deemed not to have waived any condition of this contract, either in whole or in part, unless the waiver is clearly expressed in writing signed by the insurer.

2. Material Facts

No statement made by the insured on his application for this contract may be used in defence of a claim under, or to avoid, this contract unless it is contained in the written application for the contract and unless a copy of the application, or such part thereof as is material to the contract, is endorsed upon, inserted in or attached to the policy when issued.

Section 220 is similar to section 135 of the Life Part which presently applies by cross-reference.

Section 221 is the same as present section 220(1), except that references to the address, occupation and business of the insured have been omitted as being unnecessary. This type of information frequently becomes obsolete after the policy has been issued.

Subsection 2 of present section 220 is omitted because it simply permits one of several possible methods of renewing a contract.

Section 222 is new and requires that exceptions and reductions be clearly brought to the notice of the insured.

In regard to subsection 4, fraternal contracts are presently exempted entirely from the Accident and Sickness Insurance Part by section 218(1). This exemption is now repealed and the Part applies to fraternal insurance except that it has been necessary to make special provision for these contracts in this section and in sections 224 and 226. These special provisions are similar to the special provisions relating to fraternal insurance in the Life Part.

Section 223—These introductory words have been rewritten to correspond to the similar provision of the Automobile Part.

Statutory condition 1—Paragraph 1 is similar to present statutory condition 1 except that the cross-reference to condition 3 has been deleted as unnecessary. Paragraph 2 is the same as present statutory condition 20.

Statutory condition 2 is similar to present statutory condition 2 except that the first part of that condition has been transferred to section 226*f*, *post*.

Statutory condition 3 is similar in purpose to present statutory conditions 3 and 4 but the wording has been simplified and the reference to premium rates, etc., filed with the Superintendent of Insurance has been dropped because such filing is not required.

Statutory condition 4 replaces present condition 6. It has been reworded and, in particular, specific reference is made to the types of contracts to be taken into account.

Statutory condition 5—Present statutory conditions 7 and 10 have been combined and somewhat shortened without change in their effect.

Statutory condition 6—The substance of present statutory conditions 8, 9 and 11 has been combined in one condition.

Statutory condition 7—The words at the beginning of paragraph 1 include the substance of present statutory condition 16. The balance of the paragraph is the same as present statutory condition 12 except that the proviso to present clause *a* now appears as new paragraph 2 and is applicable to both notice of claim and proof of claim. A one-year limitation on late filings has been added.

3.—(1) Changes in Occupation If, after this policy is issued, the person insured engages for compensation in an occupation that is classified by the insurer as more hazardous than that stated in this policy, the liability under this contract is limited to the amount that the premium paid would have purchased for the more hazardous occupation according to the limits, classification of risks and premium rates in use by the insurer at the time the person insured engaged in the more hazardous occupation.

(2) If the person insured changes his occupation from that stated in this policy to an occupation classified by the insurer as less hazardous and so advises the insurer in writing, the insurer shall either

- (a) reduce the premium rate, or
- (b) issue a policy for the unexpired term of this contract at the lower rate of premium applicable to the less hazardous occupation,

according to the limits, classification of risks and premium rates used by the insurer at the date of receipt of advice of the change in occupation, and shall refund to the insured the amount by which the unearned premium on this contract exceeds the premium at the lower rate for the unexpired term.

4. Relation of Earnings to Insurance

Where the benefits for loss of time payable hereunder, either alone or together with benefits for loss of time under another contract, including a contract of group accident insurance or group sickness insurance or of both and a life insurance contract providing disability insurance, exceed the money value of the time of the person insured, the insurer is liable only for that proportion of the benefits for loss of time stated in this policy that the money value of the time of the person insured bears to the aggregate of the benefits for loss of time payable under all such contracts and the excess premium, if any, paid by the insured shall be returned to him by the insurer.

5. Termination by Insured

The insured may terminate the contract at any time by giving written notice of termination to the insurer by registered mail to its head office or chief agency in the province or by delivery thereof to an authorized agent of the insurer in the province and the insurer shall, upon surrender of this policy, refund the amount of premium paid in excess of the short rate premium for the expired time according to the table in use by the insurer at the time of termination.

6.—(1) Termination by Insurer The insurer may terminate the contract at any time by giving written notice of termination to the insured and by refunding concurrently with the giving of notice the amount of premium paid in excess of the pro rata premium for the expired time.

(2) The notice of termination may be delivered to the insured, or it may be sent by registered mail to the latest address of the insured on the records of the insurer.

(3) Where the notice of termination is delivered to the insured, five days notice of termination shall be given; where it is mailed to the insured, ten days notice of termination shall be given and the ten days shall begin on the day following the arrival of the notice at the post office to which it is addressed.

7.—(1) Notice and Proof of Claim The insured or his agent, or a beneficiary entitled to make a claim or his agent, shall

- (a) give written notice of claim to the insurer
 - (i) by delivery thereof, or by sending it by registered mail, to the head office or chief agency of the insurer in the province, or
 - (ii) by delivery thereof to an authorized agent of the insurer in the province,

not later than thirty days from the date of the accident or the beginning of the disability due to sickness;

(b) within ninety days from the date of the accident or the beginning of the disability due to sickness for which the claim is made, furnish to the insurer such proof of claim as is reasonably possible in the circumstances of the happening of the accident or sickness and the loss occasioned thereby; and

(c) if so required by the insurer, furnish a certificate as to the cause and nature of the accident or sickness for which the claim is made and as to the duration of the disability caused thereby, from a medical practitioner legally qualified to practise in the province.

(2) **Failure to Give Notice or Proof** Failure to give notice of claim or furnish proof of claim within the time prescribed in this statutory condition will not invalidate the claim if the notice or proof is given or furnished as soon as reasonably possible and in no event later than one year from the date of the accident or the beginning of the disability due to sickness and if it is shown that it was not reasonably possible to give notice or furnish proof within the time so prescribed.

8. **Insurer to Furnish Forms for Proof of Claim** The insurer shall furnish forms for proof of claim within fifteen days after receiving notice of claim but where the claimant has not received the forms within that time he may submit his proof of claim in the form of a written statement of the happening and character of the accident or sickness giving rise to the claim and of the extent of the loss.

9. **Right of Examination** The insurer has the right, and the claimant shall afford to the insurer an opportunity, to examine the person of the person insured when and as often as it may reasonably require while the claim hereunder is pending, and also, in the case of the death of the person insured to make an autopsy subject to any law of the province relating to autopsies.

10. **When Moneys Payable Other Than for Loss of Time** All moneys payable under this contract other than benefits for loss of time shall be paid by the insurer within sixty days after it has received proof of claim.

11. **When Loss of Time Benefits Payable** The initial benefits for loss of time shall be paid by the insurer within thirty days after it has received proof of claim, and payments shall be made thereafter within each succeeding sixty-day period while the insurer remains liable for the payments if the insured, whenever required to do so, furnishes prior to payment proof of continuing disability.

12. **Limitation of Actions** An action or proceeding against the insurer for the recovery of a claim under this contract shall not be begun after one year from the date on which the cause of action arose.

Omission or variation of conditions

224.—(1) Where a statutory condition is not applicable to the benefits provided by the contract it may be omitted from the policy or varied so that it will be applicable.

Idem

(2) Statutory conditions 3, 4 and 9 may be omitted from the policy if the contract does not contain any provisions respecting the matters dealt with therein.

Idem

(3) Statutory conditions 5 and 6 may be omitted from the policy if the contract does not provide that it may be terminated by the insurer.

Statutory condition 8 is similar in purpose to present statutory condition 13 but the wording has been simplified.

Statutory condition 9 is the same as present statutory condition 14. Present statutory condition 15 has been deleted as unnecessary.

Statutory condition 10 is the same as present statutory condition 17 except that the expression "other than benefits for loss of time" has been used for uniformity with other statutory conditions.

Statutory condition 11 is similar in purpose to present statutory condition 18 but the wording has been simplified.

Statutory condition 12 is the same as present statutory condition 21 except that the limitation period is stated in the negative.

Section 224 replaces present sections 222 and 224 and provides a greater degree of flexibility in the use of statutory conditions.

Subsection 1 is designed to permit, for instance, the omission of statutory condition 11 in a hospital expense policy that does not provide loss of time benefits.

Subsection 2 would permit simplifying a policy by the omission of the conditions referred to therein in cases where the insurer is prepared to waive the subject-matter of these conditions.

Subsection 3 permits the omission of all reference to termination of the contract where the insurer does not wish to include the right to terminate.

Subsection 4 permits flexibility in the named conditions where the insured and beneficiary are not thereby prejudiced.

Subsection 5 permits a degree of leeway, again in favour of the insured and beneficiary, in the time periods prescribed in conditions 10, 11 and 12.

Subsection 6 requires that titles of statutory conditions be printed in the policy but permits the omission of the numbers of the conditions in order to avoid confusion where some of the conditions have been omitted pursuant to this section.

Subsection 7 contains special adaptations for fraternal insurance. Other changes relating to fraternal are in sections 222 and 226.

Section 225 is the same as present section 223.

Section 226 is a revision of present section 219. Three minor changes have been made: (1) subsection 2 has been rearranged; (2) in subsection 3 the words "or a part thereof" have been added after the word "premium" in the first line and the words "is not paid" added after the words "promissory note" in the third line; and (3) subsection 4 has been added.

(4) Statutory conditions 3, 4, 5, 6 and 9, and statutory ^{Idem} condition 7 except, in policies providing benefits for loss of time, clauses *a* and *b* of paragraph 1 thereof, may be varied but if by reason of the variation the contract is less favourable to the insured, person insured or beneficiary than it would be if the condition had not been varied, the condition shall be deemed to be included in the policy in the form in which it appears in section 223.

(5) Statutory conditions 10 and 11 may be varied by ^{Idem} shortening the periods of time prescribed therein and statutory condition 12 may be varied by lengthening the period of time prescribed therein.

(6) The title of a statutory condition shall be reproduced ^{Idem} in the policy along with the statutory condition but the number of a statutory condition may be omitted.

(7) In the case of a contract made by a fraternal society, ^{Idem}

(a) the following provision shall be printed on every policy in substitution for paragraph 1 of statutory condition 1 in section 223:

1.—(1) The Contract

This policy, the Act or instrument of incorporation of the insurer, its constitution, by-laws and rules, and the amendments made from time to time to its constitution, by-laws or rules, the application for the contract and the medical statement of the applicant constitute the entire contract and no agent has authority to change the contract or waive any of its provisions.

and

(b) statutory condition 5 in section 223 shall not be printed on the policy.

225. Where a policy of accident insurance is issued through ^{Statutory conditions, notice as to} the agency of a transportation corporation that holds a licence issued under section 290, the statutory conditions set out in section 223 need not be printed on the policy if the policy contains the following notice printed in conspicuous type: "Notwithstanding any other provision herein contained this contract is subject to the statutory conditions respecting contracts of accident insurance."

226.—(1) Where a policy is delivered, the contract is as ^{Delivery of policy} binding on the insurer as if the premium had been paid, although it has not in fact been paid, and although delivered by an officer or agent of the insurer who did not have authority to deliver it.

Right where premium unpaid (2) The insurer may deduct the unpaid premium from the amount for which it may become liable under the contract or may sue the insured therefor.

Where cheque or note for premium not paid (3) Where the premium or a part thereof is paid by a cheque or a promissory note and the cheque is not paid on presentation or the promissory note is not paid at maturity, the contract is voidable at the option of the insurer.

Fraternal contracts (4) This section does not apply to a contract made by a fraternal society.

INSURABLE INTEREST

Insurable interest in own life and well-being 226a. Every person has an insurable interest in his own life and well-being.

Insurable interest in lives and well-being of others 226b. Without restricting the meaning that "insurable interest" now has in law, each of the following persons has an insurable interest:

- (a) a parent in the life and well-being of his child under twenty-five years of age;
- (b) a husband in the life and well-being of his wife;
- (c) a wife in the life and well-being of her husband;
- (d) one person in the life and well-being of another upon whom he is wholly or in part dependent for support or education, or from whom he is receiving support or education;
- (e) a corporation or other person in the life and well-being of its or his officer or employee;
- (f) a person who has a pecuniary interest in the duration of the life and continued well-being of another person, in the life and well-being of that person.

Contract void without insurable interest 226c.—(1) A contract is void, if, at the time at which it would otherwise take effect and be binding, the insured has no insurable interest in the person insured.

Group contracts (2) Notwithstanding subsection 1, a contract of group accident insurance or of group sickness insurance or of both is valid if it provides benefits solely for the persons insured under the contract.

When insurable interest unnecessary 226d. Where the insured has at the time at which the contract takes effect an insurable interest in the person in-

Sections 226*a* to 226*e* are adaptations of sections 151 to 155 of the Life Part now applicable to accident and sickness insurance by cross-reference. No changes have been made except (1) the expression "life and well-being" is used instead of "life", and (2) a new subsection 2 has been added to section 226*c*.

Section 226*b*—See note to section 226*a*.

Section 226*c*—New subsection 2 has been added to make it clear that a group contract is not void for lack of insurable interest if the contract provides benefits solely for the persons insured in the group.

Section 226*d*—See note to section 226*a*.

Section 226*e*—See note to section 226*a*.

Section 226*f* is similar to the first part of present statutory condition 2.

Section 226*g*—New subsection 1 makes innocent misstatements, except those relating to age, incontestable after the policy has been in force two years.

Subsection 2 is necessary to except from the operation of subsection 1 those cases where a claim made after the expiry of the contestable period actually arose from a loss incurred or a disability beginning within that period.

Section 226*h* is new and provides that pre-existing conditions will not affect a claim unless specifically excluded from the policy (a) if the loss occurs after a period of two years' cover, or (b) at any time if the pre-existing condition was disclosed by the insured on his application.

sured, it is not necessary for the validity of the contract or an assignment thereof that a beneficiary, or a person claiming under an assignment, or by will or by succession, have an insurable interest.

POLICIES ON THE LIVES OF MINORS

226e. A minor, after attaining the age of fifteen years, has the capacity of a person of full age, ^{Capacity of minors}

- (a) to effect a contract on his own life or well-being and to deal with the contract;
- (b) to deal with a contract on his own life or well-being effected by him before attaining the age of fifteen years;
- (c) to deal with his interest in a contract effected on his life or well-being by another, whether effected before or after the minor attained the age of fifteen years; and
- (d) if married, to effect a contract on the life or well-being of his spouse or of his children, or of both, and to deal with the contract.

MISREPRESENTATION AND NON-DISCLOSURE

226f. The statements made by the insured in his application for the contract are, in the absence of fraud, representations and not warranties. ^{Statements in application}

226g.—(1) Except as provided in subsection 2, after a contract, including renewals thereof, has been in force for two years with respect to a person insured, every statement made in the written application in respect of that person, other than a fraudulent statement or a statement erroneous as to age, shall be deemed to be true and is incontestable. ^{Incontestability}

(2) Where a claim arises from a loss incurred or a disability beginning before a contract, including renewals thereof, has been in force for two years with respect to the person in respect of whom the claim is made, subsection 1 does not apply to that claim. ^{Exception}

226h. Where a person insured suffers or has suffered from a disease or physical condition that existed prior to the date the contract came into force with respect to that person and the disease or physical condition is not specifically excluded from the insurance, ^{Pre-existing conditions}

- (a) the prior existence of the disease or physical condition is not, except in the case of fraud, available as a defence against liability, in whole or in part, for a loss incurred or a disability beginning after the contract, including renewals thereof, has been in force for two years with respect to that person; and
- (b) the existence of the disease or physical condition is not, except in the case of fraud, available as a defence against liability, in whole or in part, if the disease or physical condition was disclosed in the written application for the contract.

BENEFICIARIES

Designation of beneficiary 226i.—(1) Where insurance money is payable upon death by accident, the insured, or in the case of group accident insurance the person insured, may designate in writing a beneficiary to receive the insurance money or part thereof and may alter or revoke in writing any prior designation.

Death of beneficiary (2) If the beneficiary is not living at the time of the death of the person insured, the insurance money is payable to the insured or his estate or in the case of group accident insurance the estate of the person insured, unless the instrument by which the beneficiary is designated otherwise provides.

Right to sue (3) A beneficiary designated pursuant to subsection 1 may upon the death of the person insured enforce for his own benefit the payment of insurance money payable to him and payment to the beneficiary discharges the insurer, but the insurer may set up any defence that it could have set up against the insured, or the person insured in the case of group accident insurance, or the personal representative of either of them.

MISCELLANEOUS

Misstatement of age 226j.—(1) Subject to subsection 2, if the age of the person insured has been misstated, the amounts payable under the contract are those that the premium paid would have purchased if the correct age had been stated.

True age governs (2) Where the age of the person insured affects the commencement or termination of the insurance, the true age governs.

Presumption of death 226k. Where a contract provides for the payment of moneys upon the death by accident of the person insured and the person insured and the beneficiary perish in the same disaster, it shall be *prima facie* presumed that the beneficiary died first.

Section 226*i* is new and provides for the appointment of beneficiaries of an accidental death benefit and for a direct right of action by such a beneficiary against the insurer.

Section 226*j* is new and lays down rules appropriate to accident and sickness insurance respecting misstatements of age.

Section 226*k* is an adaptation of present section 183 of the Life Part now applicable to accident and sickness insurance by cross-reference.

Section 226*l* is an adaptation of section 188 (1) and (3) and section 190 of the Life Part.

Section 226*m* is new and is parallel to section 138 of the Life Part. The section will enable insurers to pay numerous small amounts to widows and others where the estate of the deceased is too small to warrant the cost of taking out letters of administration or probate.

Section 226*n* is new and prevents the giving of undue prominence to the benefit provisions of a policy as compared to its restrictions.

Section 226*o* is the same as present section 226 except that the words "after the maturity of the contract" have been changed to "with respect to the loss insured against". Also, a reference is added to the court before which a question is tried.

226l.—(1) Where the insurer admits liability for the insurance money or any part thereof, and it appears to the insurer that, ^{Payment into court}

- (a) there are adverse claimants;
- (b) the place of abode of a person entitled is unknown; or
- (c) there is no person capable of giving and authorized to give a valid discharge, who is willing to do so,

the insurer may apply *ex parte* to the court for an order for payment of the money into court, and the court may upon such notice, if any, as it thinks necessary make an order accordingly.

(2) The court may fix and ascertain without taxation the costs incurred upon or in connection with any application or order made under subsection 1 and may order the costs to be paid out of the insurance money or by the insurer or otherwise as seems just. ^{Costs of proceedings}

(3) A payment made pursuant to an order under subsection 1 discharges the insurer to the extent of the payment. ^{Discharge of insurer}

226m. Where insurance money is payable to a beneficiary or to the estate of the insured or of the person insured, the insurer may, if the contract so provides, pay an amount not exceeding \$2,000 to, ^{Payments not exceeding \$2,000}

- (a) a relative by blood or connection by marriage of the insured or of the person insured; or
- (b) any person appearing to the insurer to be equitably entitled thereto by reason of having incurred expense for the maintenance, medical attendance or burial of the insured or person insured or to have a claim against the estate of the insured or of the person insured in relation thereto.

226n. The insurer shall not, in the policy, give undue prominence to any provision or statutory condition as compared to other provisions or statutory conditions, unless the effect of that provision or statutory condition is to increase the premium or decrease the benefits otherwise provided for in the policy. ^{Undue prominence}

226o. Where there has been imperfect compliance with a statutory condition as to the proof of loss to be given by the ^{Relief from forfeiture}

claimant or as to any matter or thing to be done or omitted by the insured or claimant with respect to the loss insured against, and a consequent forfeiture or avoidance of the insurance in whole or in part, and a court before which a question relating thereto is tried deems it inequitable that the insurance should be forfeited or avoided on that ground, the court may relieve against the forfeiture or avoidance on such terms as it deems just.

Presumption
against
agency

226*p*. No officer, agent, employee or servant of the insurer or any person soliciting accident insurance or sickness insurance or both, whether an agent of the insurer or not, shall, to the prejudice of the insured or of the person insured, be deemed to be for any purpose whatever the agent of the insured or of the person insured in respect of any question arising out of the contract.

Commence-
ment

18.—(1) This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Application

(2) Except as provided in subsection 3, this Act applies only to contracts made on or after the day this Act comes into force.

Exception

(3) Sections 226*g*, 226*h*, 226*i*, 226*j* and 226*l* of *The Insurance Act*, as enacted by section 17, apply to contracts in effect on the day this Act comes into force.

Short title

19. This Act may be cited as *The Insurance Amendment Act, 1956*.

Section 226*p* is parallel to section 150 of the Life Part, now applicable by cross-reference.



BILL

An Act to amend The Insurance Act

1st Reading

February 1st, 1956

2nd Reading

February 6th, 1956

3rd Reading

MR. ROBERTS

(*Reprinted as amended by the
Committee on Legal Bills*)

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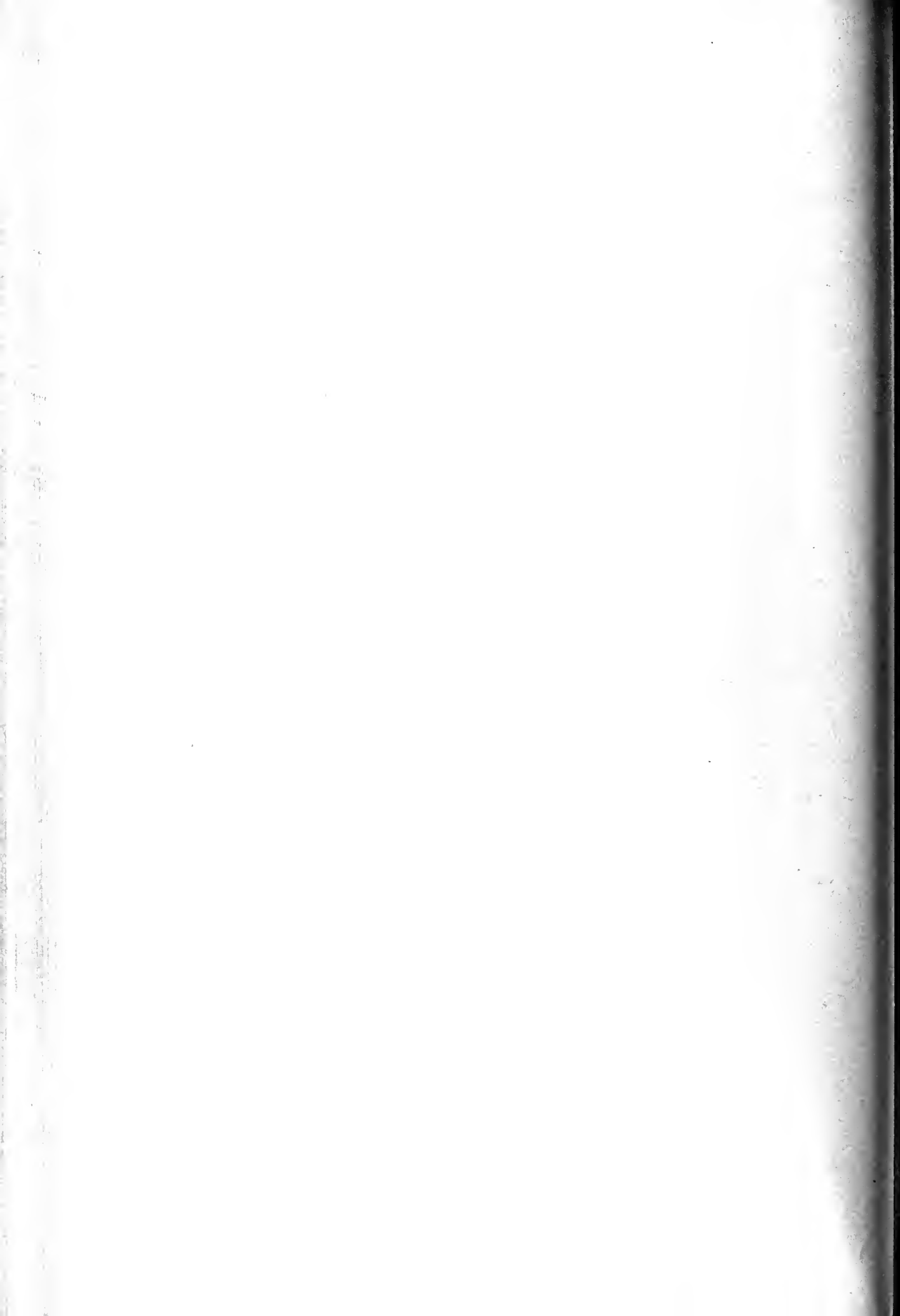
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BILL

An Act to amend The Insurance Act

MR. ROBERTS

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BILL

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 27 of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 183, s. 27,
re-enacted

27.—(1) Every issuer licensed to carry on fire insurance may, subject to its Act of incorporation and subject to the restrictions prescribed by the licence, insure or reinsure any property in which the insured has an insurable interest against loss or damage by fire, lightning or explosion and may insure or reinsure the same property against loss or damage from falling aircraft, earthquake, windstorm, tornado, hail, sprinkler leakage, riot, malicious damage, weather, water damage, smoke damage, civil commotion and impact by vehicles and any one or more perils falling within such other classes of insurance as are prescribed by the regulations. Scope of fire
insurance
licence

(2) An insurer licensed to carry on fire insurance may insure an automobile against loss or damage under a policy falling within Part IV of this Act; but in the case of a purely mutual fire insurance corporation, incorporated or licensed in Ontario and carrying on business on the premium note plan, the automobile shall be specifically insured under a policy separate from that insuring other property. Insurance of
automobiles

2. Section 34 of *The Insurance Act* is repealed.

R.S.O. 1950,
c. 183, s. 34,
repealed

3. Section 92 of *The Insurance Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 183, s. 92,
re-enacted

92.—(1) Every policy shall contain the name of the insurer, the name of the insured, the name of the Contents of
policy

person or persons to whom the insurance money is payable, the premium for the insurance, the subject-matter of the insurance, the indemnity for which the insurer may become liable, the event on the happening of which the liability is to accrue and the term of the insurance.

Application
of section

- (2) This section does not apply to contracts of automobile and guarantee insurance.

R.S.O. 1950,
c. 183, s. 95,
re-enacted

4. Section 95 of *The Insurance Act* is repealed and the following substituted therefor:

Effect of
delivery of
policy

- 95.—(1) Where the policy has been delivered, the contract shall be as binding on the insurer as if the premium had been paid, although it has not in fact been paid, and although delivered by an officer or agent of the insurer who had not authority to deliver it.

Right of
insurer in
respect of
unpaid
premium

- (2) The insurer may sue for the unpaid premium and may deduct the amount thereof from the amount for which he is liable under the contract of insurance.

Where note
or cheque for
premium not
honoured

- (3) Where a cheque, bill of exchange or promissory note or any promise to pay is given, whether originally or by way of renewal, for the whole or part of any premium and the cheque, bill of exchange or promissory note or other promise to pay is not honoured according to its tenor, the insurer may terminate the contract forthwith by giving written notice by registered mail.

R.S.O. 1950,
c. 183, s. 96,
subs. 1,
re-enacted

5. Subsection 1 of section 96 of *The Insurance Act* is repealed and the following substituted therefor:

Insurer
to furnish
forms

- (1) Every insurer, immediately upon receipt of a request, and in any event not later than sixty days after receipt of notice of loss, shall furnish to the insured or person to whom the insurance money is payable forms upon which to make the proof of loss required under the contract.

R.S.O. 1950,
c. 183, s. 97,
re-enacted

6. Section 97 of *The Insurance Act* is repealed and the following substituted therefor:

When action
may be
brought
under
contract

97. No action shall be brought for the recovery of money payable under a contract of insurance until the expiration of sixty days after proof, in accordance with the provisions of the contract,

(a) of the loss; or

- (b) of the happening of the event upon which the insurance money is to become payable,

or of such shorter period as may be fixed by the contract of insurance.

7. Paragraphs 2 and 3 of section 103 of *The Insurance Act* are repealed. R.S.O. 1950, c. 183, s. 103, pars. 2, 3, repealed

8. Section 104 of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 183, s. 104, re-enacted

104.—(1) This Part applies to insurance against loss of or damage to property arising from the peril of fire in any contract made in the province except, Application of Part

- (a) insurance falling within the classes of aircraft, automobile, boiler and machinery, inland transportation, marine, plate glass, sprinkler leakage and theft insurance;
- (b) where the subject-matter of the insurance is rents, charges or loss of profits; or
- (c) where the peril of fire is an incidental peril to the coverage provided.

(2) Notwithstanding subsection 1, this Part applies to insurance of an automobile as provided in subsection 2 of section 27. Automobiles

9. Section 105 of *The Insurance Act*, as amended by section 1 of *The Insurance Amendment Act, 1953*, is repealed and the following substituted therefor: R.S.O. 1950, c. 183, s. 105, re-enacted

105.—(1) Subject to subsection 4 of this section and to clause a of section 113, in any contract to which this Part applies, the contract shall be deemed to cover the insured property, Extent of coverage by contract

- (a) against fire (whether resulting from explosion or otherwise) not occasioned by or happening through,
 - (i) its undergoing any process involving the application of heat,
 - (ii) riot, civil commotion, war, invasion, act of foreign enemy, hostilities (whether war be declared or not), civil war, rebellion, revolution, insurrection or military power;

(b) against lightning, but excluding destruction or loss to electrical devices or appliances caused by lightning or other electrical currents unless fire originates outside the article itself and only for such destruction or damage as occurs from such fire;

(c) against explosion due to ignition, not occasioned by or happening through any of the perils specified in subclause ii of clause a, in a building not being part of any gas works, of gas used for domestic purposes or used for lighting or heating the building.

Exception

- (2) Unless otherwise specifically provided therein, in any contract to which this Part applies, nuclear change or radioactivity shall not be considered to be a fire or an explosion, but this provision shall not be construed so as to exclude loss or damage caused by fire or explosion resulting from nuclear change or radioactivity.

Coverage where property removed

- (3) Where property insured under a contract covering at a specified location is necessarily removed to prevent loss or damage or further loss or damage thereto, that part of the insurance under the contract that exceeds the amount of the insurer's liability for any loss incurred shall, for seven days only or for the unexpired term of the contract if less than seven days, cover the property removed and any property remaining in the original location in the proportions which the value of the property in each of the respective locations bears to the value of the property in them all.

Extended insurance

- (4) Nothing in subsection 1 precludes an insurer giving more extended insurance against the perils mentioned therein, but in that case this Part does not apply to the extended insurance.

Power to extend meaning of "lightning" in live stock contracts

- (5) An insurer licensed to carry on fire insurance may include in its insurance contracts a clause or endorsement providing that, in the case of live stock insured against death or injury caused by fire or lightning, the word "lightning" is deemed to include other electrical currents.

R.S.O. 1950,
c. 183, s. 107,
re-enacted

10. Section 107 of *The Insurance Act* is repealed and the following substituted therefor:

Form of contract

107. After an application for insurance is made, if it is in writing, any policy sent to the insured shall be deemed to be intended to be in accordance with the terms of the application, unless the insurer points

out in writing the particulars wherein it differs from the application, in which case the insured may, within two weeks from the receipt of the notification, reject the policy.

11. Section 108 of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 183, s. 108,
re-enacted

108.—(1) Where the loss, if any, under a contract has, with the consent of the insurer, been made payable to a person other than the insured, the insurer shall not cancel or alter the policy to the prejudice of that person without notice to him. Mortgagees
and other
payees

(2) The length of and manner of giving the notice under subsection 1 shall be the same as notice of cancellation to the insured under the statutory conditions in the contract. Form of
notice

108a.—(1) The conditions set forth in this section shall be deemed to be part of every contract in force in Ontario and shall be printed on every policy with the heading "Statutory Conditions" and no variation or omission of or addition to any statutory condition shall be binding on the insured. Statutory
conditions

(2) In this section, "policy" does not include interim receipts or binders. Interpre-
tation

STATUTORY CONDITIONS

Misrepresentation

1. If any person applying for insurance falsely describes the property to the prejudice of the insurer, or misrepresents or fraudulently omits to communicate any circumstance which is material to be made known to the insurer in order to enable it to judge of the risk to be undertaken, the contract shall be void as to any property in relation to which the misrepresentation or omission is material.

Property of Others

2. Unless otherwise specifically stated in the contract, the insurer is not liable for loss or damage to property owned by any person other than the insured, unless the interest of the insured therein is stated in the contract.

Change of Interest

3. The insurer shall be liable for loss or damage occurring after an authorized assignment under the *Bankruptcy Act* or change of title by succession, by operation of law, or by death.

Material Change

4. Any change material to the risk and within the control and knowledge of the insured shall avoid the contract as to the part affected thereby, unless the change is promptly notified in writing to the insurer or its local agent; and the insurer when so notified may return the unearned portion, if any, of the premium paid and cancel the contract, or may notify the insured in writing that, if he desires the

contract to continue in force, he must, within fifteen days of the receipt of the notice, pay to the insurer an additional premium; and in default of such payment the contract shall no longer be in force and the insurer shall return the unearned portion, if any, of the premium paid.

Termination of Insurance

5.—(1) The insurance may be terminated:

- (a) subject to the statutory provision relating to cases where loss under the contract has, with the consent of the insurer, been made payable to some person other than the insured, by the insurer giving to the insured at any time fifteen days notice of cancellation by registered mail, or five days notice of cancellation personally delivered, and, if the insurance is on the cash plan, by refunding the excess of premium actually paid by the insured beyond the pro rata premium for the expired time;
- (b) if on the cash plan, by the insured giving written notice of termination to the insurer, in which case the insurer shall, upon surrender of this policy, refund the excess of premium actually paid by the insured beyond the customary short rate for the expired time.

(2) Repayment of the excess premium may be made by money, postal or express company money order, or by cheque payable at par.

(3) If the notice is given by registered letter the repayment shall accompany the notice.

(4) The fifteen days mentioned in clause *a* of subparagraph 1 of this condition shall commence to run from the day following the receipt of the registered letter at the post office to which it is addressed.

Requirements After Loss

6.—(1) Upon the occurrence of any loss or damage to the insured property, the insured shall, if such loss or damage is covered by the contract, in addition to observing the requirements of conditions 9, 10 and 11,

- (a) forthwith give notice thereof in writing to the insurer;
- (b) deliver as soon as practicable to the insurer a proof of loss verified by a statutory declaration,
 - (i) giving a complete inventory of the destroyed and damaged property and showing in detail quantities, costs, actual cash value and particulars of amount of loss claimed,
 - (ii) stating when and how the loss occurred, and if caused by fire or explosion due to ignition, how the fire or explosion originated, so far as the insured knows or believes,
 - (iii) stating that the loss did not occur through any wilful act or neglect or the procurement, means or connivance of the insured,
 - (iv) showing the amount of other insurances and the names of other insurers,
 - (v) showing the interest of the insured and of all others in the property with particulars of all liens, encumbrances and other charges upon the property,
 - (vi) showing any changes in title, use, occupation, location, possession or exposures of the property since the issue of the contract,
 - (vii) showing the place where the property insured was at the time of loss;
- (c) if required give a complete inventory of undamaged property and showing in detail quantities, cost, actual cash value;

- (d) if required and if practicable, produce books of account, warehouse receipts and stock lists, and furnish invoices and other vouchers verified by statutory declaration, and furnish a copy of the written portion of any other contract.

(2) The evidence furnished under clauses (c) and (d) of subparagraph (1) of this condition shall not be considered proofs of loss within the meaning of conditions 12 and 13.

Fraud

7. Any fraud or wilfully false statement in a statutory declaration in relation to any of the above particulars, shall vitiate the claim of the person making the declaration.

Who may give notice and proof

8. Notice of loss may be given, and proof of loss may be made, by the agent of the insured named in the contract in case of absence or inability of the insured to give the notice or make the proof, and absence or inability being satisfactorily accounted for, or in the like case, or if the insured refuses to do so, by a person to whom any part of the insurance money is payable.

Salvage

9.—(1) The insured, in the event of any loss or damage to any property insured under the contract, shall take all reasonable steps to prevent further damage to any such property so damaged and to prevent damage to other property insured hereunder including, if necessary, its removal to prevent damage or further damage thereto.

(2) The insurer shall contribute pro rata towards any reasonable and proper expenses in connection with steps taken by the insured and required under subparagraph 1 of this condition according to the respective interests of the parties.

Entry, Control, Abandonment

10. After any loss or damage to insured property, the insurer shall have an immediate right of access and entry by accredited agents sufficient to enable them to survey and examine the property, and to make an estimate of the loss or damage, and, after the insured has secured the property, a further right of access and entry sufficient to enable them to make appraisal or particular estimate of the loss or damage, but the insurer shall not be entitled to the control or possession of the insured property, and without the consent of the insurer there can be no abandonment to it of insured property.

Appraisal

11.—(1) If any difference arises as to the value of the property insured, the property saved or the amount of the loss, that value and amount shall, whether the right to recover on the contract is disputed or not, be ascertained by two competent and disinterested appraisers, the insured and the insurer each selecting one, and the two so chosen then selecting a competent and disinterested umpire.

(2) The appraisers together shall then estimate and appraise the loss or damage; stating separately the sound values and damage and, failing to agree, shall submit their differences to the umpire; and the finding in writing of any two shall determine the value of the property insured, the property saved and the amount of loss.

(3) The parties thereto shall pay the appraisers respectively selected by them, and shall bear equally the expense of the appraisal and umpire.

When Loss Payable

12. The loss shall be payable within sixty days after completion of the proof of loss, unless the contract provides for a shorter period.

Replacement

13.—(1) The insurer, instead of making payment, may repair, rebuild, or replace the property damaged or lost, giving written notice of its intention so to do within thirty days after receipt of the proofs of loss.

(2) In that event the insurer shall commence to so repair, rebuild, or replace the property within forty-five days after receipt of the proofs of loss, and shall thereafter proceed with all due diligence to the completion thereof.

Action

14. Every action or proceeding against the insurer for the recovery of any claim under or by virtue of this contract shall be absolutely barred unless commenced within one year next after the loss or damage occurs.

Notice

15.—(1) Any written notice to the insurer may be delivered at, or sent by registered post to, the chief agency or office of the insurer in the Province or delivered or so sent to any authorized agent of the insurer therein.

(2) Written notice may be given to the insured by letter personally delivered to him or by registered letter addressed to him at his latest post office address notified to the insurer, or, where no address is notified and the address is not known, addressed to him at the post office of the agency, if any, from which the application was received.

R.S.O. 1950,
c. 183, s. 109,
re-enacted

12. Section 109 of *The Insurance Act* is repealed and the following substituted therefor:

Limitation
of liability
clauses

109. A contract containing a co-insurance, average, average distribution or other clause that requires or may require the insured to contribute to any loss shall have printed or stamped upon its face in red ink the words: "This policy contains a clause which may limit the amount payable", and unless those words are so printed or stamped the clause shall not be binding upon the insured.

R.S.O. 1950,
c. 183, s. 110,
re-enacted

13. Section 110 of *The Insurance Act* is repealed and the following substituted therefor:

Rateable
contribution

110.—(1) Where, on the happening of any loss or damage to property insured, there is in force more than one contract covering the same interest, the insurers under the respective contracts shall each be liable to the insured for its rateable proportion of the loss unless it is otherwise expressly agreed in writing between the insurers.

Effect of
policy may
not be
postponed

(2) For the purpose of subsection 1, a contract shall be deemed to be in force notwithstanding any term thereof that the policy shall not cover, come into force, attach, or become insurance with respect to the property until after full or partial payment of any loss under any other policy.

Certain
restrictions
valid

(3) Nothing in subsection 1 affects the validity of any divisions of the sum insured into separate items, or

any limits of insurance on specified property, or any clause referred to in section 109 or any contract condition limiting or prohibiting the having or placing of other insurance.

- (4) Nothing in subsection 1 affects the operation of any deductible clause and, Ascertainment of rateable proportions

(a) where one contract contains a deductible, the pro rata proportion of the insurer under that contract shall be first ascertained without regard to the clause and then the clause shall be applied only to affect the amount of recovery under that contract; and

(b) where more than one contract contains a deductible, the pro rata proportion of the insurers under those contracts shall be first ascertained without regard to the deductible clauses and then the highest deductible shall be pro rated among the insurers with deductibles and these pro rated amounts shall affect the amount of recovery under those contracts.

- (5) Notwithstanding subsection 1, insurance on identified articles shall be a first loss insurance as against all other insurance. Insurance on identified articles

14. Section 111 of *The Insurance Act* is repealed.

R.S.O. 1950,
c. 183, s. 111,
repealed

15. Section 112 of *The Insurance Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 183, s. 112,
re-enacted

112. Where there has been imperfect compliance with a statutory condition as to the proof of loss to be given by the insured and a consequent forfeiture or avoidance of the insurance, in whole or in part, and the court deems it inequitable that the insurance should be forfeited or avoided on that ground, the court may relieve against the forfeiture or avoidance on such terms as may seem just. Relief from forfeiture

16. Section 113 of *The Insurance Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 183, s. 113,
re-enacted

113. Where a contract,

Special stipulations

- (a) excludes any loss that would otherwise fall within the coverage prescribed by section 105; or

- (b) contains any stipulation, condition or warranty that is or may be material to the risk including, but not restricted to, a provision in respect to the use, condition, location or maintenance of the insured property,

the exclusion, stipulation, condition or warranty shall not be binding upon the insured if it is held to be unjust or unreasonable by the court before which a question relating thereto is tried.

Waiver of
term or
condition

- 113a.—(1) No term or condition of a contract shall be deemed to be waived by the insurer in whole or in part unless the waiver is clearly expressed in writing signed by a person authorized for that purpose by the insurer.

Idem

- (2) Neither the insurer nor the insured shall be deemed to have waived any term or condition of a contract by any act relating to the appraisal of the amount of loss or to the delivery and completion of proofs, or to the investigation or adjustment of any claim under the contract.

Subrogation

- 113b.—(1) The insurer, upon making any payment or assuming liability therefor under a contract of fire insurance, shall be subrogated to all rights of recovery of the insured against any person, and may bring action in the name of the insured to enforce such rights.

Where
amount
recovered is
not sufficient
to indemnify

- (2) Where the net amount recovered after deducting the costs of recovery is not sufficient to provide a complete indemnity for the loss or damage suffered, that amount shall be divided between the insurer and the insured in the proportions in which the loss or damage has been borne by them respectively.

R.S.O. 1950,
c. 183,
Part VII
(ss. 218-226),
re-enacted

- 17.** Part VII of *The Insurance Act*, as amended by section 18 of *The Insurance Amendment Act, 1951*, is repealed and the following substituted therefor:

PART VII

ACCIDENT AND SICKNESS INSURANCE

Interpre-
tation

218. In this Part,

- (a) "contract" means a contract of accident insurance or of sickness insurance or of both;

- (b) "creditor's group accident insurance" and "creditor's group sickness insurance" mean, respectively, accident insurance and sickness insurance effected by a creditor whereby the lives or well-being or the lives and well-being of a number of his debtors are insured severally under a single contract;
- (c) "group accident insurance" and "group sickness insurance" mean, respectively, accident insurance and sickness insurance, other than creditor's group accident insurance and creditor's group sickness insurance, whereby the lives or well-being or the lives and well-being of a number of persons are insured severally under a single contract between an insurer and an employer or other person contracting with the insurer;
- (d) "insured" means a person who makes a contract with an insurer;
- (e) "person" includes a firm, partnership or corporation, an unincorporated society or association, and a trade union;
- (f) "person insured" means a person in respect of an accident to whom, or in respect of whose sickness, benefits are payable under a contract.

APPLICATION OF PART

219.—(1) This Part applies to accident insurance and to sickness insurance and to an insurer carrying on the business of accident insurance or sickness insurance or both.

- (2) This Part does not apply to, Exceptions
 - (a) creditor's group accident insurance;
 - (b) creditor's group sickness insurance;
 - (c) disability insurance;
 - (d) double indemnity insurance; or
 - (e) insurance provided under section 212a.

(3) This Part, except sections 220, 226b, 226c, 226i, 226k, ^{Group} 226l, 226m and 226p, does not apply to group accident insurance or group sickness insurance.

THE CONTRACT OF INSURANCE

Policy to
evidence
contract

220. A contract shall be evidenced by an instrument in writing called, in this Part, a policy.

Contents
of policy

221. The policy shall contain the name and address of the insurer, the name of the insured, the name of the person to whom the insurance money is payable, the premium for the insurance, the indemnity for which the insurer may become liable, the event on the happening of which such liability is to accrue, and the term of the insurance.

Exceptions
or
reductions

222.—(1) Subject to subsections 2, 3 and 4 of this section, to the statutory conditions in section 223 and to section 226j, the insurer shall set forth in the policy every exception or reduction affecting the amount payable under the contract, either in the provision affected by the exception or reduction or under a heading such as "Exceptions" or "Reductions".

Idem

(2) Where the exception or reduction affects only one provision in the policy, it shall be set forth in that provision.

Idem

(3) Where the exception or reduction is contained in an endorsement, insertion or rider, the endorsement, insertion or rider shall, unless it affects all amounts payable under the contract, make reference to the provisions in the policy affected by the exception or reduction.

Where not
applicable

(4) This section does not apply to a policy issued by a fraternal society.

Statutory
conditions

223. Subject to section 224, the conditions set forth in this section shall be deemed to be part of every contract and shall be printed on every policy with the heading "Statutory Conditions".

STATUTORY CONDITIONS

1.—(1) The Contract

This policy, including the endorsements, insertions or riders, if any, and the application for the contract if attached to the policy, constitutes the entire contract and no agent has authority to change the contract or waive any of its provisions.

(2) Waiver

The insurer shall be deemed not to have waived any condition of this contract, either in whole or in part, unless the waiver is clearly expressed in writing signed by the insurer.

2. Material Facts

No statement made by the insured on his application for this contract may be used in defence of a claim under, or to avoid, this contract unless it is contained in the written application for the contract and unless a copy of the application, or such part thereof as is material to the contract, is endorsed upon, inserted in or attached to the policy when issued.

3.—(1) Changes in Occupation If, after this policy is issued, the person insured engages for compensation in an occupation that is classified by the insurer as more hazardous than that stated in this policy, the liability under this contract is limited to the amount that the premium paid would have purchased for the more hazardous occupation according to the limits, classification of risks and premium rates in use by the insurer at the time the person insured engaged in the more hazardous occupation.

(2) If the person insured changes his occupation from that stated in this policy to an occupation classified by the insurer as less hazardous and so advises the insurer in writing, the insurer shall either

- (a) reduce the premium rate, or
- (b) issue a policy for the unexpired term of this contract at the lower rate of premium applicable to the less hazardous occupation,

according to the limits, classification of risks and premium rates used by the insurer at the date of receipt of advice of the change in occupation, and shall refund to the insured the amount by which the unearned premium on this contract exceeds the premium at the lower rate for the unexpired term.

4. Relation of Earnings to Insurance Where the benefits for loss of time payable hereunder, either alone or together with benefits for loss of time under another contract, including a contract of group accident insurance or group sickness insurance or of both and a life insurance contract providing disability insurance, exceed the money value of the time of the person insured, the insurer is liable only for that proportion of the benefits for loss of time stated in this policy that the money value of the time of the person insured bears to the aggregate of the benefits for loss of time payable under all such contracts and the excess premium, if any, paid by the insured shall be returned to him by the insurer.

5. Termination by Insured The insured may terminate the contract at any time by giving written notice of termination to the insurer by registered mail to its head office or chief agency in the province or by delivery thereof to an authorized agent of the insurer in the province and the insurer shall, upon surrender of this policy, refund the amount of premium paid in excess of the short rate premium for the expired time according to the table in use by the insurer at the time of termination.

6.—(1) Termination by Insurer The insurer may terminate the contract at any time by giving written notice of termination to the insured and by refunding concurrently with the giving of notice the amount of premium paid in excess of the pro rata premium for the expired time.

(2) The notice of termination may be delivered to the insured, or it may be sent by registered mail to the latest address of the insured on the records of the insurer.

(3) Where the notice of termination is delivered to the insured, five days notice of termination shall be given; where it is mailed to the insured, ten days notice of termination shall be given and the ten days shall begin on the day following the arrival of the notice at the post office to which it is addressed.

7.—(1) Notice and Proof of Claim The insured or his agent, or a beneficiary entitled to make a claim or his agent, shall

- (a) give written notice of claim to the insurer
 - (i) by delivery thereof, or by sending it by registered mail, to the head office or chief agency of the insurer in the province, or
 - (ii) by delivery thereof to an authorized agent of the insurer in the province,

not later than thirty days from the date of the accident or the beginning of the disability due to sickness;

- (b) within ninety days from the date of the accident or the beginning of the disability due to sickness for which the claim is made, furnish to the insurer such proof of claim as is reasonably possible in the circumstances of the happening of the accident or sickness and the loss occasioned thereby; and
- (c) if so required by the insurer, furnish a certificate as to the cause and nature of the accident or sickness for which the claim is made and as to the duration of the disability caused thereby, from a medical practitioner legally qualified to practise in the province.

- (2) **Failure to Give Notice or Proof** Failure to give notice of claim or furnish proof of claim within the time prescribed in this statutory condition will not invalidate the claim if the notice or proof is given or furnished as soon as reasonably possible and in no event later than one year from the date of the accident or the beginning of the disability due to sickness and if it is shown that it was not reasonably possible to give notice or furnish proof within the time so prescribed.

8. **Insurer to Furnish Forms for Proof of Claim** The insurer shall furnish forms for proof of claim within fifteen days after receiving notice of claim but where the claimant has not received the forms within that time he may submit his proof of claim in the form of a written statement of the happening and character of the accident or sickness giving rise to the claim and of the extent of the loss.

9. **Right of Examination** The insurer has the right, and the claimant shall afford to the insurer an opportunity, to examine the person of the person insured when and as often as it may reasonably require while the claim hereunder is pending, and also, in the case of the death of the person insured to make an autopsy subject to any law of the province relating to autopsies.

10. **When Moneys Payable Other Than for Loss of Time** All moneys payable under this contract other than benefits for loss of time shall be paid by the insurer within sixty days after it has received proof of claim.

11. **When Loss of Time Benefits Payable** The initial benefits for loss of time shall be paid by the insurer within thirty days after it has received proof of claim, and payments shall be made thereafter within each succeeding sixty-day period while the insurer remains liable for the payments if the insured, whenever required to do so, furnishes prior to payment proof of continuing disability.

12. **Limitation of Actions** An action or proceeding against the insurer for the recovery of a claim under this contract shall not be begun after one year from the date on which the cause of action arose.

Omission or variation of conditions

224.—(1) Where a statutory condition is not applicable to the benefits provided by the contract it may be omitted from the policy or varied so that it will be applicable.

Idem

(2) Statutory conditions 3, 4 and 9 may be omitted from the policy if the contract does not contain any provisions respecting the matters dealt with therein.

Idem

(3) Statutory conditions 5 and 6 may be omitted from the policy if the contract does not provide that it may be terminated by the insurer.

(4) Statutory conditions 3, 4, 5, 6 and 9, and statutory ^{Idem} condition 7 except, in policies providing benefits for loss of time, clauses *a* and *b* of paragraph 1 thereof, may be varied but if by reason of the variation the contract is less favourable to the insured, person insured or beneficiary than it would be if the condition had not been varied, the condition shall be deemed to be included in the policy in the form in which it appears in section 223.

(5) Statutory conditions 10 and 11 may be varied by ^{Idem} shortening the periods of time prescribed therein and statutory condition 12 may be varied by lengthening the period of time prescribed therein.

(6) The title of a statutory condition shall be reproduced ^{Idem} in the policy along with the statutory condition but the number of a statutory condition may be omitted.

(7) In the case of a contract made by a fraternal society, ^{Idem}

(a) the following provision shall be printed on every policy in substitution for paragraph 1 of statutory condition 1 in section 223:

1.—(1) The Contract

This policy, the Act or instrument of incorporation of the insurer, its constitution, by-laws and rules, and the amendments made from time to time to its constitution, by-laws or rules, the application for the contract and the medical statement of the applicant constitute the entire contract and no agent has authority to change the contract or waive any of its provisions.

and

(b) statutory condition 5 in section 223 shall not be printed on the policy.

225. Where a policy of accident insurance is issued through the agency of a transportation corporation that holds a licence issued under section 290, the statutory conditions set out in section 223 need not be printed on the policy if the policy contains the following notice printed in conspicuous type: "Notwithstanding any other provision herein contained this contract is subject to the statutory conditions respecting contracts of accident insurance."

226.—(1) Where a policy is delivered, the contract is as ^{Delivery of policy} binding on the insurer as if the premium had been paid, although it has not in fact been paid, and although delivered by an officer or agent of the insurer who did not have authority to deliver it.

Right where
premium
unpaid

(2) The insurer may deduct the unpaid premium from the amount for which it may become liable under the contract or may sue the insured therefor.

Where
cheque or
note for
premium
not paid

(3) Where the premium or a part thereof is paid by a cheque or a promissory note and the cheque is not paid on presentation or the promissory note is not paid at maturity, the contract is voidable at the option of the insurer.

Fraternal
contracts

(4) This section does not apply to a contract made by a fraternal society.

INSURABLE INTEREST

Insurable
interest in
own life and
well-being

226a. Every person has an insurable interest in his own life and well-being.

Insurable
interest in
lives and
well-being
of others

226b. Without restricting the meaning that "insurable interest" now has in law, each of the following persons has an insurable interest:

- (a) a parent in the life and well-being of his child under twenty-five years of age;
- (b) a husband in the life and well-being of his wife;
- (c) a wife in the life and well-being of her husband;
- (d) one person in the life and well-being of another upon whom he is wholly or in part dependent for support or education, or from whom he is receiving support or education;
- (e) a corporation or other person in the life and well-being of its or his officer or employee;
- (f) a person who has a pecuniary interest in the duration of the life and continued well-being of another person, in the life and well-being of that person.

Contract
void without
insurable
interest

226c.—(1) A contract is void, if, at the time at which it would otherwise take effect and be binding, the insured has no insurable interest in the person insured.

Group
contracts

(2) Notwithstanding subsection 1, a contract of group accident insurance or of group sickness insurance or of both is valid if it provides benefits solely for the persons insured under the contract.

When insur-
able interest
unnecessary

226d. Where the insured has at the time at which the contract takes effect an insurable interest in the person in-

sured, it is not necessary for the validity of the contract or an assignment thereof that a beneficiary, or a person claiming under an assignment, or by will or by succession, have an insurable interest.

POLICIES ON THE LIVES OF MINORS

226e. A minor, after attaining the age of fifteen years, has ^{Capacity} the capacity of a person of full age, ^{of minors}

- (a) to effect a contract on his own life or well-being and to deal with the contract;
- (b) to deal with a contract on his own life or well-being effected by him before attaining the age of fifteen years;
- (c) to deal with his interest in a contract effected on his life or well-being by another, whether effected before or after the minor attained the age of fifteen years; and
- (d) if married, to effect a contract on the life or well-being of his spouse or of his children, or of both, and to deal with the contract.

MISREPRESENTATION AND NON-DISCLOSURE

226f. The statements made by the insured in his application ^{Statements} for the contract are, in the absence of fraud, representations ⁱⁿ application and not warranties.

226g.—(1) Except as provided in subsection 2, after a ^{Incontest-} contract, including renewals thereof, has been in force for two ^{ability} years with respect to a person insured, every statement made in the written application in respect of that person, other than a fraudulent statement or a statement erroneous as to age, shall be deemed to be true and is incontestable.

(2) Where a claim arises from a loss incurred or a disability ^{Exception} beginning before a contract, including renewals thereof, has been in force for two years with respect to the person in respect of whom the claim is made, subsection 1 does not apply to that claim.

226h. Where a person insured suffers or has suffered from a ^{Pre-existing} disease or physical condition that existed prior to the date the ^{conditions} contract came into force with respect to that person and the disease or physical condition is not specifically excluded from the insurance,

- (a) the prior existence of the disease or physical condition is not, except in the case of fraud, available as a defence against liability, in whole or in part, for a loss incurred or a disability beginning after the contract, including renewals thereof, has been in force for two years with respect to that person; and
- (b) the existence of the disease or physical condition is not, except in the case of fraud, available as a defence against liability, in whole or in part, if the disease or physical condition was disclosed in the written application for the contract.

BENEFICIARIES

Designation of beneficiary 226i.—(1) Where insurance money is payable upon death by accident, the insured, or in the case of group accident insurance the person insured, may designate in writing a beneficiary to receive the insurance money or part thereof and may alter or revoke in writing any prior designation.

Death of beneficiary (2) If the beneficiary is not living at the time of the death of the person insured, the insurance money is payable to the insured or his estate or in the case of group accident insurance the estate of the person insured, unless the instrument by which the beneficiary is designated otherwise provides.

Right to sue (3) A beneficiary designated pursuant to subsection 1 may upon the death of the person insured enforce for his own benefit the payment of insurance money payable to him and payment to the beneficiary discharges the insurer, but the insurer may set up any defence that it could have set up against the insured, or the person insured in the case of group accident insurance, or the personal representative of either of them.

MISCELLANEOUS

Misstatement of age 226j.—(1) Subject to subsection 2, if the age of the person insured has been misstated, the amounts payable under the contract are those that the premium paid would have purchased if the correct age had been stated.

True age governs (2) Where the age of the person insured affects the commencement or termination of the insurance, the true age governs.

Presumption of death 226k. Where a contract provides for the payment of moneys upon the death by accident of the person insured and the person insured and the beneficiary perish in the same disaster, it shall be *prima facie* presumed that the beneficiary died first.

226l.—(1) Where the insurer admits liability for the insurance money or any part thereof, and it appears to the insurer that, ^{Payment into court}

- (a) there are adverse claimants;
- (b) the place of abode of a person entitled is unknown; or
- (c) there is no person capable of giving and authorized to give a valid discharge, who is willing to do so,

the insurer may apply *ex parte* to the court for an order for payment of the money into court, and the court may upon such notice, if any, as it thinks necessary make an order accordingly.

(2) The court may fix and ascertain without taxation the costs incurred upon or in connection with any application or order made under subsection 1 and may order the costs to be paid out of the insurance money or by the insurer or otherwise as seems just. ^{Costs of proceedings}

(3) A payment made pursuant to an order under subsection 1 discharges the insurer to the extent of the payment. ^{Discharge of insurer}

226m. Where insurance money is payable to a beneficiary or to the estate of the insured or of the person insured, the insurer may, if the contract so provides, pay an amount not exceeding \$2,000 to, ^{Payments not exceeding \$2,000}

- (a) a relative by blood or connection by marriage of the insured or of the person insured; or
- (b) any person appearing to the insurer to be equitably entitled thereto by reason of having incurred expense for the maintenance, medical attendance or burial of the insured or person insured or to have a claim against the estate of the insured or of the person insured in relation thereto.

226n. The insurer shall not, in the policy, give undue prominence to any provision or statutory condition as compared to other provisions or statutory conditions, unless the effect of that provision or statutory condition is to increase the premium or decrease the benefits otherwise provided for in the policy. ^{Undue prominence}

226o. Where there has been imperfect compliance with a statutory condition as to the proof of loss to be given by the ^{Relief from forfeiture}

claimant or as to any matter or thing to be done or omitted by the insured or claimant with respect to the loss insured against, and a consequent forfeiture or avoidance of the insurance in whole or in part, and a court before which a question relating thereto is tried deems it inequitable that the insurance should be forfeited or avoided on that ground, the court may relieve against the forfeiture or avoidance on such terms as it deems just.

Presumption
against
agency

226p. No officer, agent, employee or servant of the insurer or any person soliciting accident insurance or sickness insurance or both, whether an agent of the insurer or not, shall, to the prejudice of the insured or of the person insured, be deemed to be for any purpose whatever the agent of the insured or of the person insured in respect of any question arising out of the contract.

Commence-
ment

18.—(1) This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Application

(2) Except as provided in subsection 3, this Act applies only to contracts made on or after the day this Act comes into force.

Exception

(3) Sections 226g, 226h, 226i, 226j and 226l of *The Insurance Act*, as enacted by section 17, apply to contracts in effect on the day this Act comes into force.

Short title

19. This Act may be cited as *The Insurance Amendment Act, 1956*.

BILL

An Act to amend The Insurance Act

1st Reading

February 1st, 1956

2nd Reading

February 6th, 1956

3rd Reading

March 14th, 1956

MR. ROBERTS

No. 47

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Department of Education Act, 1954

MR. DUNLOP

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The amendment authorizes the making of agreements between Ontario and Canada respecting Dominion-Provincial bursaries and scholarships.

No. 47

1956

BILL

An Act to amend The Department of Education Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Department of Education Act, 1954* <sup>1954, c. 20,
s. 13,</sup> is amended by adding thereto the following subsection: ^{amended}

- (3) The Crown in right of Ontario, represented by the Minister, may make agreements with the Crown in right of Canada, represented by the Minister of Labour of Canada, respecting the establishment, awarding and payment of bursaries and scholarships to students eligible therefor under the regulations. <sup>Bursaries
and
scholarships</sup>

2. This Act may be cited as *The Department of Education Amendment Act, 1956*. ^{Short title}

BILL

An Act to amend
The Department of Education Act, 1954

1st Reading

February 1st, 1956

2nd Reading

3rd Reading

MR. DUNLOP

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and
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BILL

An Act to amend
The Department of Education Act, 1954

1st Reading

February 1st, 1956

2nd Reading

February 6th, 1956

3rd Reading

February 27th, 1956

MR. DUNLOP

No. 48

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend
The Secondary Schools and Boards of Education Act, 1954

MR. DUNLOP

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The object of the amendment is to permit a county council to include in a high school district a village in which there are two continuation schools and to allow the county council to decide whether the property assessed for one of the two continuation schools previously established by school boards shall continue to be so assessed and excluded from taxation for high school purposes.

SECTION 2. Ratepayer is defined to clarify the qualification for membership on a high school board.

No. 48

1956

BILL

An Act to amend The Secondary Schools and Boards of Education Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following subsection: 1954, c. 87, s. 12, amended

- (1a) Where two continuation schools have been established in a village, the council of the county in which the village is situated may include the village in a high school district, and, notwithstanding the provisions of section 3, may by by-law provide that the property liable to assessment and taxation for the purposes of one of the continuation schools in any year may continue to be assessed and taxed for the purposes of a continuation school and excluded from assessment and taxation for high school purposes in such year. Village with two continuation schools may be included in district

2. Section 19 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following subsection: 1954, c. 87, s. 19, amended

- (4) In this section, "ratepayer" means a person whose name is entered on the last revised assessment roll. Interpretation

3. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1956*. Short title

BILL

An Act to amend The Secondary Schools
and Boards of Education Act, 1954

1st Reading

February 1st, 1956

2nd Reading

3rd Reading

MR. DUNLOP

No. 48

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend
The Secondary Schools and Boards of Education Act, 1954

MR. DUNLOP

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 48

1956

BILL

An Act to amend The Secondary Schools and Boards of Education Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following subsection: 1954, c. 87, s. 12, amended

- (1a) Where two continuation schools have been established in a village, the council of the county in which the village is situated may include the village in a high school district, and, notwithstanding the provisions of section 3, may by by-law provide that the property liable to assessment and taxation for the purposes of one of the continuation schools in any year may continue to be assessed and taxed for the purposes of a continuation school and excluded from assessment and taxation for high school purposes in such year. Village with two continuation schools may be included in district

2. Section 19 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following subsection: 1954, c. 87, s. 19, amended

- (4) In this section, "ratepayer" means a person whose name is entered on the last revised assessment roll. Interpretation

3. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1956*. Short title

BILL

An Act to amend The Secondary Schools
and Boards of Education Act, 1954

1st Reading

February 1st, 1956

2nd Reading

February 6th, 1956

3rd Reading

February 27th, 1956

MR. DUNLOP

No. 49

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Separate Schools Act

MR. DUNLOP

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1—subsection 1. The word "said" is struck out as it does not permit a supporter of a separate school to vote at meetings unless he resides in the school section in which the separate school is situated. In some instances he may reside in an adjoining school section and yet be within three miles of the school.

Subsection 2. The time for holding meetings in the afternoon was changed in 1954 from seven o'clock to eight o'clock. The reference to the time is therefore changed accordingly in subsection 13 of section 26.

SECTION 2. Teachers in separate schools are given the same powers as teachers in public schools in the matter of suspension of pupils from school.

No. 49

1956

BILL

An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of subsection 11 of section 26 of *The Separate Schools Act* is amended by striking out “said” in the second line, so that the clause shall read as follows: R.S.O. 1950, c. 356, s. 26, subs. 11, cl. *c*, amended

(*c*) That I am a supporter of the Roman Catholic Separate School in School Section No.

(2) Subsection 13 of the said section 26 is amended by striking out “seven” in the first line and inserting in lieu thereof “eight”, so that the subsection shall read as follows: R.S.O. 1950, c. 356, s. 26, subs. 13, amended

(13) When the meeting is held at eight o'clock in the afternoon the supporters present may decide by resolution that the polling shall take place forthwith or at ten o'clock on the following morning, and if it takes place forthwith the poll shall close when ten minutes have elapsed without any vote being recorded. Polling at afternoon meetings

2. Section 49 of *The Separate Schools Act* is amended by adding thereto the following clause: R.S.O. 1950, c. 356, s. 49, amended

(*f*) to suspend any pupil guilty of persistent truancy, or persistent opposition to authority, habitual neglect of duty, the use of profane or improper language, or conduct injurious to the moral tone of the school, and to notify the parent or guardian of the pupil and the board of the suspension, but the parent or guardian of any pupil suspended may appeal against the action of the teacher to the board which shall have power to remove, confirm or modify the suspension. disciplinary powers

3. This Act may be cited as *The Separate Schools Amendment Act, 1956*. Short title

BILL

An Act to amend
The Separate Schools Act

1st Reading

February 1st, 1956

2nd Reading

3rd Reading

MR. DUNLOP

No. 49

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Separate Schools Act

MR. DUNLOP

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 49

1956

BILL

An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of subsection 11 of section 26 of *The Separate Schools Act* is amended by striking out “said” in the second line, so that the clause shall read as follows: R.S.O. 1950,
c. 356, s. 26,
subs. 11,
cl. *c*,
amended

(*c*) That I am a supporter of the Roman Catholic Separate School in School Section No.

(2) Subsection 13 of the said section 26 is amended by striking out “seven” in the first line and inserting in lieu thereof “eight”, so that the subsection shall read as follows: R.S.O. 1950,
c. 356, s. 26,
subs. 13,
amended

(13) When the meeting is held at eight o'clock in the afternoon the supporters present may decide by resolution that the polling shall take place forthwith or at ten o'clock on the following morning, and if it takes place forthwith the poll shall close when ten minutes have elapsed without any vote being recorded. Polling at
afternoon
meetings

2. Section 49 of *The Separate Schools Act* is amended by adding thereto the following clause: R.S.O. 1950,
c. 356, s. 49,
amended

(*f*) to suspend any pupil guilty of persistent truancy, or persistent opposition to authority, habitual neglect of duty, the use of profane or improper language, or conduct injurious to the moral tone of the school, and to notify the parent or guardian of the pupil and the board of the suspension, but the parent or guardian of any pupil suspended may appeal against the action of the teacher to the board which shall have power to remove, confirm or modify the suspension. disciplinary
powers

3. This Act may be cited as *The Separate Schools Amendment Act, 1956*. Short title

BILL

An Act to amend
The Separate Schools Act

1st Reading

February 1st, 1956

2nd Reading

February 6th, 1956

3rd Reading

February 27th, 1956

MR. DUNLOP

No. 50

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

**An Act to amend
The Ontario Highway Transport Board Act, 1955**

MR. GOODFELLOW

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Section 2 of the Act provides that the Board shall consist of three members or as many more as the Lieutenant-Governor in Council may determine. The new section 2*a* is necessary in order that the Board may operate when there is a vacancy in membership. The new section 5*a* provides that members shall devote their whole time to the duties of the Board.

SECTION 2. The repealed section provides for the payment of moneys required by the Board out of the Consolidated Revenue Fund.

SECTION 3. The amendment provides that an order or certificate of the Board must be signed by two members, one of whom must be the chairman or the vice-chairman.

SECTION 4. Self-explanatory.

No. 50

1956

BILL

An Act to amend The Ontario Highway Transport Board Act, 1955

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. *The Ontario Highway Transport Board Act, 1955* is 1955, c. 54,
amended by adding thereto the following sections: amended

2a. A vacancy in membership of the Board or the absence Powers of
Board on
vacancy
or inability of a member to act does not impair the
powers of the Board or of the remaining members
who may exercise all the jurisdiction and powers of
the Board.

.

5a. Unless otherwise authorized by statute or the rules Attendance
to duties
of the Assembly or the Lieutenant-Governor in
Council, the members of the Board shall devote the
whole of their time to the performance of their
duties as members of the Board, and shall not
accept or hold any office or employment inconsistent
with such duties.

2. Section 7 of *The Ontario Highway Transport Board Act*, 1955, c. 54,
1955 is repealed. s. 7,
repealed

3. Section 10 of *The Ontario Highway Transport Board* 1955, c. 54,
Act, 1955 is repealed and the following substituted therefor: s. 10,
re-enacted

10. Every order and certificate made by the Board is Execution of
documents
effective if signed by two members of the Board,
one of whom is the chairman or the vice-chairman
of the Board, and every other document made or
issued by the Board is effective if signed by a
member of the Board.

4. *The Ontario Highway Transport Board Act, 1955* is 1955, c. 54,
amended by adding thereto the following section: amended

Power to
determine
law and fact

12a. The Board shall as to all matters within its jurisdiction under this Act have authority to hear and determine all questions of law or of fact.

Commence-
ment

5.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 comes into force on the 1st day of April, 1957.

Short title

6. This Act may be cited as *The Ontario Highway Transport Board Amendment Act, 1956*.

BILL

An Act to amend
The Ontario Highway
Transport Board Act, 1955

1st Reading

February 3rd, 1956

2nd Reading

3rd Reading

MR. GODFELLOW

No. 50

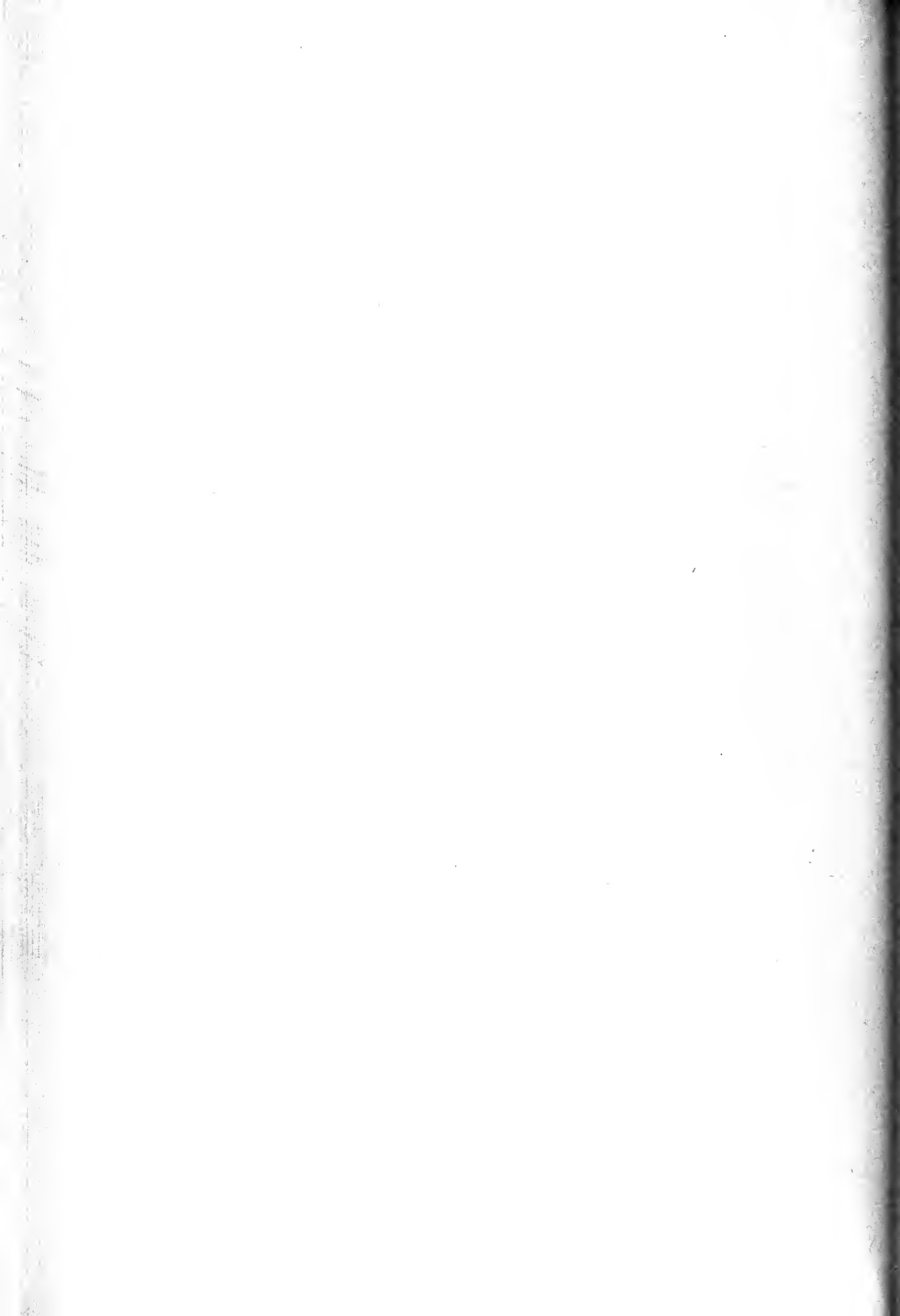
2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend
The Ontario Highway Transport Board Act, 1955

MR. GOODFELLOW

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 50

1956

BILL

An Act to amend The Ontario Highway Transport Board Act, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ontario Highway Transport Board Act, 1955* is ^{1955, c. 54,} amended by adding thereto the following sections: ^{amended}

2a. A vacancy in membership of the Board or the absence ^{Powers of} or inability of a member to act does not impair the ^{Board on} powers of the Board or of the remaining members ^{vacancy} who may exercise all the jurisdiction and powers of the Board.

.

5a. Unless otherwise authorized by statute or the rules ^{Attendance} of the Assembly or the Lieutenant-Governor in ^{to duties} Council, the members of the Board shall devote the whole of their time to the performance of their duties as members of the Board, and shall not accept or hold any office or employment inconsistent with such duties.

2. Section 7 of *The Ontario Highway Transport Board Act*, ^{1955, c. 54,} 1955 is repealed. ^{s. 7, repealed}

3. Section 10 of *The Ontario Highway Transport Board* ^{1955, c. 54,} *Act, 1955* is repealed and the following substituted therefor: ^{s. 10, re-enacted}

10. Every order and certificate made by the Board is ^{Execution of} effective if signed by two members of the Board, ^{documents} one of whom is the chairman or the vice-chairman of the Board, and every other document made or issued by the Board is effective if signed by a member of the Board.

4. *The Ontario Highway Transport Board Act, 1955* is ^{1955, c. 54,} amended by adding thereto the following section: ^{amended}

Power to
determine
law and fact

12a. The Board shall as to all matters within its jurisdiction under this Act have authority to hear and determine all questions of law or of fact.

Commence-
ment

5.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 comes into force on the 1st day of April, 1957.

Short title

6. This Act may be cited as *The Ontario Highway Transport Board Amendment Act, 1956*.

BILL

An Act to amend
The Ontario Highway
Transport Board Act, 1955

1st Reading

February 3rd, 1956

2nd Reading

February 8th, 1956

3rd Reading

February 28th, 1956

MR. GOODFELLOW

No. 51

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Municipal Arbitrations Act

MR. GOODFELLOW

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTIONS 1, 2 and 4. The amendments provide for the appointment of a separate Official Arbitrator for any municipality and makes the Act applicable to The Municipality of Metropolitan Toronto.

No. 51

1956

BILL

An Act to amend The Municipal Arbitrations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Municipal Arbitrations Act* is amended by inserting after “100,000” in the second line “or against the corporation of any other municipality to which this Act applies”, so that the subsection shall read as follows:

R.S.O. 1950,
c. 244, s. 1,
subs. 1,
amended

- (1) All claims against the corporation of a city having a population of not less than 100,000 or against the corporation of any other municipality to which this Act applies, and all claims made jointly against such corporation and the corporation of an adjoining municipality for compensation or damages for land expropriated or injuriously affected under *The Municipal Act*, and all other claims and questions arising under any lease or other contract to which the corporation is a party, and which by law or by the terms of the lease or contract are to be determined by arbitration, shall be heard and determined by an official referee appointed by the Lieutenant-Governor in Council and who shall be called the “Official Arbitrator”.

R.S.O. 1950,
c. 243

- (2) The said section 1 is amended by adding thereto the following subsection:

R.S.O. 1950,
c. 244, s. 1,
amended

- (1a) An official referee may be appointed by the Lieutenant-Governor in Council for any municipality to which this Act applies and he shall be the “Official Arbitrator” for the municipality for which he is appointed.

Appointment
of Official
Arbitrator
for specific
municipality

2. Section 2 of *The Municipal Arbitrations Act* is amended by adding thereto the following subsection:

R.S.O. 1950,
c. 244, s. 2,
amended

Deputy
Official
Arbitrator
for specific
municipality

- (2a) Where an Official Arbitrator has been appointed for a municipality under subsection 1a of section 1, a Deputy Official Arbitrator may be appointed for such municipality and he shall be the "Deputy Official Arbitrator" for the municipality for which he is appointed.

R.S.O. 1950,
c. 244, s. 12,
subs. 1,
repealed

- 3.**—(1) Subsection 1 of section 12 of *The Municipal Arbitrations Act* is repealed.

R.S.O. 1950,
c. 244, s. 12,
subs. 2,
amended

- (2) Subsection 2 of the said section 12 is amended by striking out "such fees" in the first line and inserting in lieu thereof "the fees and expenses of the Official Arbitrator" and by inserting after "fees" in the seventh line "and expenses", so that the subsection shall read as follows:

By whom
payable

- (2) One-half of the fees and expenses of the Official Arbitrator shall be payable by each of the parties to the reference if only two parties are interested, and proportionately by all parties interested if a larger number than two are so interested; but the Official Arbitrator shall have power to award that any sum so paid or payable may be recoverable by any one or more of the parties from any other or others of them, and such fees and expenses shall be recoverable as any other costs of the arbitration.

R.S.O. 1950,
c. 244, s. 15,
subs. 1,
amended

- 4.**—(1) Subsection 1 of section 15 of *The Municipal Arbitrations Act* is amended by inserting after "to" in the first line "The Municipality of Metropolitan Toronto", so that the subsection shall read as follows:

Application
of Act

- (1) This Act shall extend and apply to The Municipality of Metropolitan Toronto, the County of York and to the Township of York, and to any municipality the council of which by by-law declares that it is desirable that the municipality be brought within the provisions of this Act, and in such case this Act shall be read as though it had been expressly applied to such municipality by the terms thereof.

R.S.O. 1950,
c. 244, s. 15,
subs. 2,
repealed

- (2) Subsection 2 of the said section 15 is repealed.

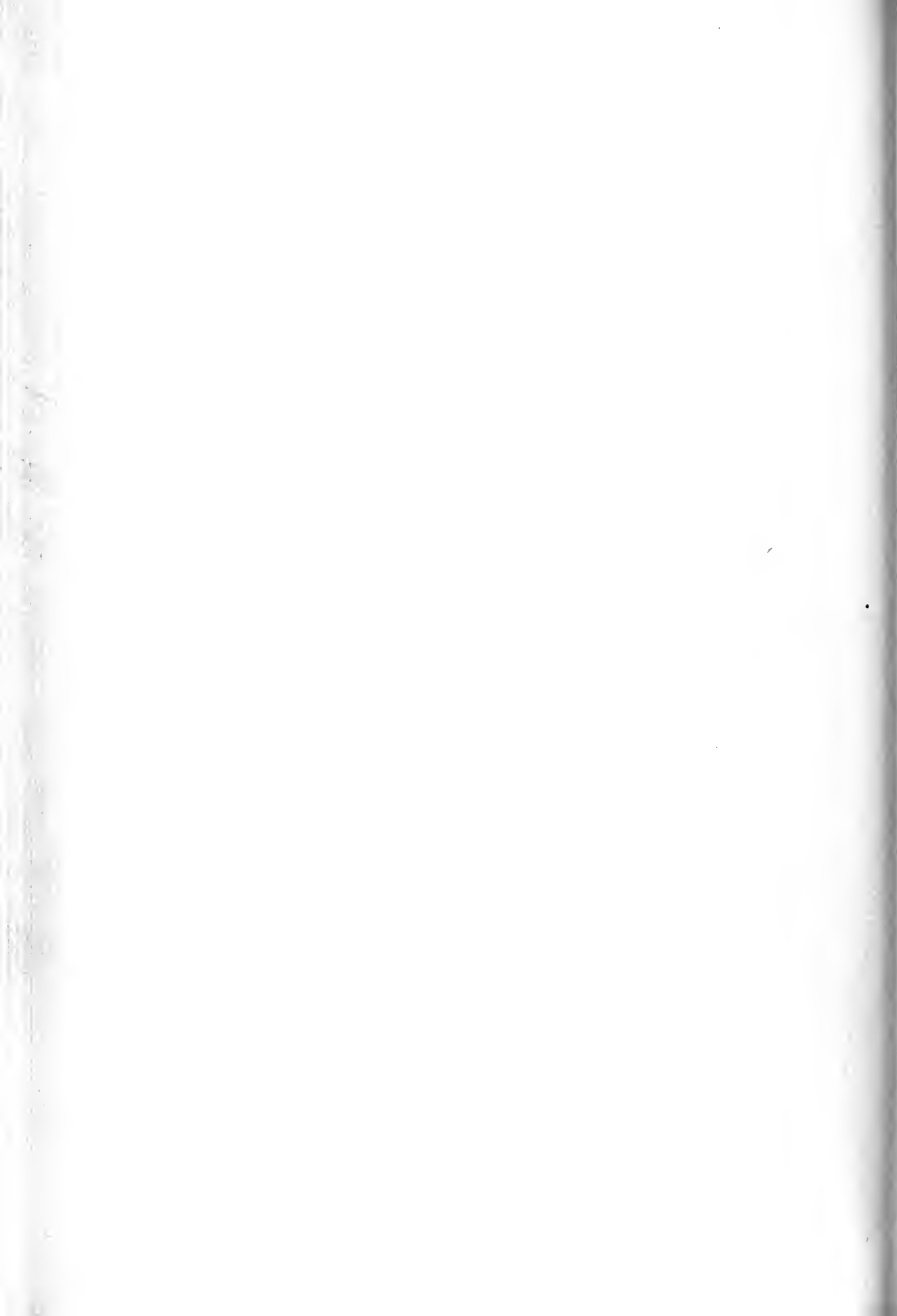
Commence-
ment

- 5.** This Act comes into force on the day it receives Royal Assent.

Short title

- 6.** This Act may be cited as *The Municipal Arbitrations Amendment Act, 1956*.

SECTION 3. The amendment does away with the limit of \$30 per day that may be paid for the services of an Official Arbitrator.



BILL
An Act to amend
The Municipal Arbitrations Act

1st Reading
February 3rd, 1956

2nd Reading

3rd Reading

MR. GOODFELLOW

No. 51

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Municipal Arbitrations Act

MR. GOODFELLOW

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 51

1956

BILL

An Act to amend The Municipal Arbitrations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Municipal Arbitrations Act* is amended by inserting after “100,000” in the second line “or against the corporation of any other municipality to which this Act applies”, so that the subsection shall read as follows:

R.S.O. 1950,
c. 244, s. 1,
subs. 1,
amended

(1) All claims against the corporation of a city having a population of not less than 100,000 or against the corporation of any other municipality to which this Act applies, and all claims made jointly against such corporation and the corporation of an adjoining municipality for compensation or damages for land expropriated or injuriously affected under *The Municipal Act*, and all other claims and questions arising under any lease or other contract to which the corporation is a party, and which by law or by the terms of the lease or contract are to be determined by arbitration, shall be heard and determined by an official referee appointed by the Lieutenant-Governor in Council and who shall be called the “Official Arbitrator”.

R.S.O. 1950,
c. 243

(2) The said section 1 is amended by adding thereto the following subsection:

R.S.O. 1950,
c. 244, s. 1,
amended

(1a) An official referee may be appointed by the Lieutenant-Governor in Council for any municipality to which this Act applies and he shall be the “Official Arbitrator” for the municipality for which he is appointed.

Appointment
of Official
Arbitrator
for specific
municipality

2. Section 2 of *The Municipal Arbitrations Act* is amended by adding thereto the following subsection:

R.S.O. 1950,
c. 244, s. 2,
amended

Deputy
Official
Arbitrator
for specific
municipality

- (2a) Where an Official Arbitrator has been appointed for a municipality under subsection 1a of section 1, a Deputy Official Arbitrator may be appointed for such municipality and he shall be the "Deputy Official Arbitrator" for the municipality for which he is appointed.

R.S.O. 1950,
c. 244, s. 12,
subs. 1,
repealed

- 3.—(1) Subsection 1 of section 12 of *The Municipal Arbitrations Act* is repealed.

R.S.O. 1950,
c. 244, s. 12,
subs. 2,
amended

- (2) Subsection 2 of the said section 12 is amended by striking out "such fees" in the first line and inserting in lieu thereof "the fees and expenses of the Official Arbitrator" and by inserting after "fees" in the seventh line "and expenses", so that the subsection shall read as follows:

By whom
payable

- (2) One-half of the fees and expenses of the Official Arbitrator shall be payable by each of the parties to the reference if only two parties are interested, and proportionately by all parties interested if a larger number than two are so interested; but the Official Arbitrator shall have power to award that any sum so paid or payable may be recoverable by any one or more of the parties from any other or others of them, and such fees and expenses shall be recoverable as any other costs of the arbitration.

R.S.O. 1950,
c. 244, s. 15,
subs. 1,
amended

- 4.—(1) Subsection 1 of section 15 of *The Municipal Arbitrations Act* is amended by inserting after "to" in the first line "The Municipality of Metropolitan Toronto", so that the subsection shall read as follows:

Application
of Act

- (1) This Act shall extend and apply to The Municipality of Metropolitan Toronto, the County of York and to the Township of York, and to any municipality the council of which by by-law declares that it is desirable that the municipality be brought within the provisions of this Act, and in such case this Act shall be read as though it had been expressly applied to such municipality by the terms thereof.

R.S.O. 1950,
c. 244, s. 15,
subs. 2,
repealed

- (2) Subsection 2 of the said section 15 is repealed.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Municipal Arbitrations Amendment Act, 1956*.

- BILL

An Act to amend
The Municipal Arbitrations Act

1st Reading

February 3rd, 1956

2nd Reading

February 8th, 1956

3rd Reading

February 27th, 1956

MR. GOODFELLOW

No. 52

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Forest Fires Prevention Act

MR. MAPLEDORAM

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The meaning of "owner" as used in the Act is extended to include the holders of licences and permits under *The Public Lands Act* and *The Provincial Parks Act, 1954*.

SECTION 2. The title "honorary fire warden" is being discontinued. All appointees under section 4 of the Act will be "fire wardens".

SECTION 3—Subsection 1. The new feature of the subsection as re-enacted is that an enforcement officer may require the holder of a work permit to maintain an adequate fire-fighting crew.

No. 52

1956

BILL

An Act to amend The Forest Fires Prevention Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of section 1 of *The Forest Fires Prevention Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 144, s. 1,
cl. *g*,
re-enacted

(*g*) "owner" includes a lessee, licensee or permittee under a lease, licence or permit granted or issued under *The Crown Timber Act, 1952, The Mining Act, The Provincial Parks Act, 1954 or The Public Lands Act*, a person who is permitted to occupy land under any of such Acts, the occupant, lessee or purchaser of any land, and a person who has the right to cut timber or wood on any land.

1952, c. 15;
R.S.O. 1950,
c. 236;
1954, c. 75;
R.S.O. 1950,
c. 309

2. Section 4 of *The Forest Fires Prevention Act* is amended by striking out "honorary" in the first line, so that the section shall read as follows:

R.S.O. 1950,
c. 144, s. 4,
amended

4. The Minister may appoint fire wardens who shall,

Fire
wardens

- (*a*) be appointed without salary or other remuneration;
- (*b*) have authority to enforce such of the provisions of this Act as the Minister may deem necessary; and
- (*c*) wear a special badge to be issued by the Department.

3.—(1) Clause *b* of subsection 3 of section 12 of *The Forest Fires Prevention Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 144, s. 12,
subs. 3, cl. *b*,
re-enacted

- (*b*) require any permittee who is carrying on an operation under this section to maintain such fire-fighting

equipment in good repair and at specified locations, and such fire-fighting crew, as the officer deems necessary for the control of fires that might be caused either directly or indirectly by the operation.

R.S.O. 1950,
c. 144, s. 12,
amended

(2) The said section 12 is amended by adding thereto the following subsection:

Payment
of wages

(4a) Where fire originates in any particular area in which any person, either by himself or his employees or someone on his behalf, is carrying on any of the operations referred to in clause *a* or *b* of subsection 1, such person or the person on his behalf shall, subject to adjustment upon the determination of the cause of the fire, pay the wages of his employees engaged in controlling and extinguishing the fire until the Minister directs that such wages be paid by the Department.

R.S.O. 1950,
c. 144, s. 14,
subs. 1,
re-enacted

4. Subsection 1 of section 14 of *The Forest Fires Prevention Act* is repealed and the following substituted therefor:

Interpre-
tation

(1) In this section, "owner" includes locatee, purchaser from the Crown, assignee of a locatee or purchaser from the Crown, occupant, and purchaser of patented land.

R.S.O. 1950,
c. 144, s. 16,
subs. 2,
amended

5. Subsection 2 of section 16 of *The Forest Fires Prevention Act* is amended by inserting after "railway" in the second line "or public road", so that the subsection shall read as follows:

Flammable
material
near railway
or
public road

(2) Any person who within 300 feet of the right-of-way of any railway or public road causes any accumulation of flammable debris shall at the request of any officer immediately pile and, subject to the requirements of this Act concerning fire permits, burn the debris.

R.S.O. 1950,
c. 144, s. 18,
re-enacted

6. Section 18 of *The Forest Fires Prevention Act* is repealed and the following substituted therefor:

Interpre-
tation

18.—(1) In this section, "Crown lands" does not include the lands of a locatee, purchaser from the Crown, assignee of a locatee or purchaser from the Crown, or occupant.

Contribution
by
Department

(2) Upon satisfactory proof being furnished by the municipality that a fire has started on Crown lands within the municipality, half the total cost of extinguishing the fire shall be borne by the Department.

Subsection 2. This provision describes the liability for wages of employees in the event of a fire.

SECTION 4. The meaning of "owner" as used in the section is clarified.

SECTION 5. Self-explanatory.

SECTION 6. The intent of the section is clarified. There is no change in the principles involved.

- (3) Where the fire is confined entirely to Crown lands, ^{Fires on} the total cost of extinguishing the fire shall be borne ^{Crown lands} by the Department.

7. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

8. This Act may be cited as *The Forest Fires Prevention* ^{Short title} *Amendment Act, 1956.*

BILL

An Act to amend
The Forest Fires Prevention Act

1st Reading

February 3rd, 1956

2nd Reading

3rd Reading

MR. MAPLEDORAM

No. 53

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

**An Act to amend
The Female Employees Fair Remuneration Act, 1951**

MR. MACDONALD

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This bill is to clarify the circumstances under which female employees are to receive equal pay with male employees.

BILL

An Act to amend The Female Employees Fair Remuneration Act, 1951

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Female Employees Fair Remuneration Act, 1951* is repealed and the following substituted therefor: 1951, c. 26.
s. 2,
re-enacted

2.—(1) No employer and no person acting on his behalf shall discriminate between sexes by paying a female employee at a rate of pay less than the rate of pay paid to a male employee for work of comparable character, the performance of which requires comparable skills. Equal pay
for equal
work

(2) A difference in the rate of pay between a female and a male employee based on a seniority or merited increase system that does not discriminate on the basis of sex does not constitute a failure to comply with this section. Seniority
or merited
increase

2. This Act may be cited as *The Female Employees Fair Remuneration Amendment Act, 1956*. Short title

BILL

An Act to amend
The Female Employees
Fair Remuneration Act, 1951

1st Reading

February 6th, 1956

2nd Reading

3rd Reading

MR. MACDONALD

No. 54

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act to amend
The Provincial Aid to Drainage Act, 1954

MR. GRIESINGER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Under this amendment the present definition in the Act of drainage work will no longer apply to unorganized territory. The present wording of the definition is suitable only for areas with municipal organization. There will be a separate definition of drainage work applicable in unorganized territory. See section 4 of this bill.

SECTION 2. This redraft will clarify what drains do not come under this Act.

SECTION 3. Hereafter the moneys granted will be paid out of moneys voted for the purpose by the Legislature.

No. 54

1956

BILL

An Act to amend The Provincial Aid to Drainage Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows

1. Clause *a* of section 1 of *The Provincial Aid to Drainage Act, 1954* is amended by inserting after "means" in the first line "except in section 6, the whole or any part of", so that the clause shall read as follows:

- (a) "drainage work" means, except in section 6, the whole or any part of a drainage work to which *The Municipal Drainage Act* applies, in respect of which a report of an engineer or surveyor is made under that Act.

2. Subsection 2 of section 2 of *The Provincial Aid to Drainage Act, 1954* is repealed and the following substituted therefor:

- (2) This Act does not apply to open or covered drains or a portion or portions thereof, the use of which is to drain other than agricultural lands, or to lateral drains.

3. Subsection 2 of section 5 of *The Provincial Aid to Drainage Act, 1954* is amended by striking out "out of the Consolidated Revenue Fund" in the fifth line and inserting in lieu thereof "out of such moneys as are appropriated therefor by the Legislature", so that the subsection, exclusive of the clauses, shall read as follows:

- (2) Upon receipt by the Minister of a report mentioned in subsection 1 and upon the practical completion of the work, the Minister, where the grant does not exceed \$5,000, and the Lieutenant-Governor in Council in other cases, may pay out of such moneys

as are appropriated therefor by the Legislature to the treasurer of the initiating municipality,

1954, c. 74,
s. 6, re-
enacted

4. Section 6 of *The Provincial Aid to Drainage Act, 1954* is repealed and the following substituted therefor:

Aid in
unorganized
territory

6.—(1) Where a drainage work is in unorganized territory, the Minister, if the amount of the aid does not exceed \$5,000, and the Lieutenant-Governor in Council in other cases, may pay out of such moneys as are appropriated therefor by the Legislature an amount not exceeding 80 per cent of the cost of the drainage work as described and limited in section 2.

Initiation
and aid

(2) The Minister may in his discretion from time to time prescribe the manner in which a drainage work shall be initiated and carried out and the manner in which and the terms and conditions under which aid may be given under subsection 1.

Interpre-
tation

(3) In this section, "drainage work" means the whole or any part of a drainage work within the meaning of *The Municipal Drainage Act*.

R.S.O. 1950,
c. 246

Commence-
ment

5.—(1) Except as provided in subsections 2 and 3, this Act comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 comes into force on the 1st day of April, 1957.

Idem

(3) Subsection 1 of section 6 of *The Provincial Aid to Drainage Act, 1954*, as re-enacted by section 4, comes into force on the 1st day of April, 1957.

Short title

6. This Act may be cited as *The Provincial Aid to Drainage Amendment Act, 1956*.

SECTION 4. Since the Department of Public Works performs the work under the Act in unorganized territory and since a grant cannot be made to a municipality in such territory the word "aid" will be more appropriate than "grant". Also "unorganized territory" will be more appropriate to denote areas without municipal organization. The matters mentioned in subsection 2 will be more appropriately left in the discretion of the Minister.

Drainage work permitted in unorganized territory will, by virtue of subsection 3, be the same as the kinds of drainage work mentioned in *The Municipal Drainage Act*.

BILL

An Act to amend
The Provincial Aid to Drainage Act, 1954

1st Reading

February 7th, 1956

2nd Reading

3rd Reading

MR. GRIESINGER

No. 54

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act to amend
The Provincial Aid to Drainage Act, 1954

MR. GRIESINGER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 54

1956

BILL

An Act to amend The Provincial Aid to Drainage Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows

1. Clause *a* of section 1 of *The Provincial Aid to Drainage Act, 1954* is amended by inserting after "means" in the first line "except in section 6, the whole or any part of", so that the clause shall read as follows:

- (a) "drainage work" means, except in section 6, the whole or any part of a drainage work to which *The Municipal Drainage Act* applies, in respect of which a report of an engineer or surveyor is made under that Act.

2. Subsection 2 of section 2 of *The Provincial Aid to Drainage Act, 1954* is repealed and the following substituted therefor:

- (2) This Act does not apply to open or covered drains or a portion or portions thereof, the use of which is to drain other than agricultural lands, or to lateral drains.

3. Subsection 2 of section 5 of *The Provincial Aid to Drainage Act, 1954* is amended by striking out "out of the Consolidated Revenue Fund" in the fifth line and inserting in lieu thereof "out of such moneys as are appropriated therefor by the Legislature", so that the subsection, exclusive of the clauses, shall read as follows:

- (2) Upon receipt by the Minister of a report mentioned in subsection 1 and upon the practical completion of the work, the Minister, where the grant does not exceed \$5,000, and the Lieutenant-Governor in Council in other cases, may pay out of such moneys

as are appropriated therefor by the Legislature to the treasurer of the initiating municipality,

.

1954, c. 74,
s. 6, re-
enacted

4. Section 6 of *The Provincial Aid to Drainage Act, 1954* is repealed and the following substituted therefor:

Aid in
unorganized
territory

6.—(1) Where a drainage work is in unorganized territory, the Minister, if the amount of the aid does not exceed \$5,000, and the Lieutenant-Governor in Council in other cases, may pay out of such moneys as are appropriated therefor by the Legislature an amount not exceeding 80 per cent of the cost of the drainage work as described and limited in section 2.

Initiation
and aid

(2) The Minister may in his discretion from time to time prescribe the manner in which a drainage work shall be initiated and carried out and the manner in which and the terms and conditions under which aid may be given under subsection 1.

Interpre-
tation

(3) In this section, "drainage work" means the whole or any part of a drainage work within the meaning of *The Municipal Drainage Act*.

R.S.O. 1950,
c. 246

Commence-
ment

5.—(1) Except as provided in subsections 2 and 3, this Act comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 comes into force on the 1st day of April, 1957.

Idem

(3) Subsection 1 of section 6 of *The Provincial Aid to Drainage Act, 1954*, as re-enacted by section 4, comes into force on the 1st day of April, 1957.

Short title

6. This Act may be cited as *The Provincial Aid to Drainage Amendment Act, 1956*.

BILL

An Act to amend
The Provincial Aid to Drainage Act, 1954

1st Reading

February 7th, 1956

2nd Reading

February 27th, 1956

3rd Reading

March 14th, 1956

MR. GRIESINGER

No. 55

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act to amend The Public Schools Act

MR. DUNLOP

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. There is a conflict between sections 15 and 17 and section 29 regarding the adjustment of assets and liabilities on the division or alteration of school sections. Section 29 will continue to apply, except as provided in the special circumstances referred to in sections 15 and 17.

SECTION 2—Subsection 1. This subsection extends to school boards in unorganized townships and unsurveyed territory the same privilege of postponing the date for the return of the assessment roll that is provided for councils of municipalities under section 53 of *The Assessment Act*.

No. 55

1956

BILL

An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 29 of *The Public Schools Act* R.S.O. 1950, c. 316, s. 29, subs. 1, amended is amended by adding at the commencement thereof "Except as provided in sections 15 and 17", so that the subsection shall read as follows:

- (1) Except as provided in sections 15 and 17, on the formation, dissolution, division or alteration of any school section or sections in the same township, in case the boards of the sections interested are unable to agree, the inspector and two other persons appointed by the township council shall, as arbitrators, value, adjust and determine in an equitable manner all rights and claims consequent upon such formation, dissolution, division or alteration between the respective parts of the township affected, and the determination of the arbitrators or of any two of them shall be final and conclusive. Adjustment of claims between members of unions in same township

2.—(1) Section 46 of *The Public Schools Act* is amended R.S.O. 1950, c. 316, s. 46, amended by adding thereto the following subsection:

- (5a) Where in any year it appears to a school board that the assessment roll will not be returned on the 30th day of September, the board may, by resolution passed with the approval of the Minister, extend the time for the return of that assessment roll for such period not exceeding sixty days subsequent to the 30th day of September as appears necessary, and when such a resolution is passed the time for closing the court of revision for that year is thereby extended for a period corresponding to that for which the time for the return of the assessment roll is extended. Extension of time for return of roll

R.S.O. 1950,
c. 316, s. 46,
subs. 12,
amended

(2) Subsection 12 of the said section 46 is amended by striking out "or of the court of revision where no appeal is taken to the district judge, and the provisions of sections 72 to 83" in the seventh, eighth and ninth lines and inserting in lieu thereof "and the provisions of sections 72 to 83c", so that the subsection shall read as follows:

Appeals

(12) An appeal to the district judge shall lie at the instance of the board, the assessor or any person assessed, not only against a decision of the court of revision on an appeal to the said court but also against any omission, neglect or refusal of the said court to hear or decide an appeal, and an appeal shall lie to the Ontario Municipal Board from a decision of the district judge and the provisions of sections 72 to 83c, except section 78, of *The Assessment Act* shall apply *mutatis mutandis* to every such appeal.

R.S.O. 1950,
c. 24

R.S.O. 1950,
c. 316, s. 71,
subs. 9,
re-enacted

3. Subsection 9 of section 71 of *The Public Schools Act* is repealed and the following substituted therefor:

Order of
business

(9) The business of every school meeting may be conducted in the following order:

1. Receiving and disposing of the annual report of the trustees.
2. Receiving a report from the trustees on the insurance on the buildings and equipment.
3. Receiving and disposing of the last annual report of the municipal auditor.
4. Where the ratepayers have provided for a local audit, receiving and disposing of the report of the local auditors.
5. If deemed necessary, providing for a local audit and the election of a local auditor for the ensuing year.
6. Miscellaneous business.
7. The election of trustees.

R.S.O. 1950,
c. 316, s. 73,
subs. 7,
re-enacted

4. Subsection 7 of section 73 of *The Public Schools Act* is repealed and the following substituted therefor:

Right to
vote
objected to

(7) If objection is made to the right of any person to vote, the chairman, if the name of the person appears on the assessment roll or on the voters' list, shall require the person, where he votes as a ratepayer, to make the following declaration:

Subsection 2. The amendment is necessary by virtue of proposed additions to the appeal provisions of *The Assessment Act*.

SECTION 3. Provision is made in the suggested order of business of a rural school meeting for a decision on requiring a local audit in addition to the audit required by *The Municipal Act* which cannot be completed in time for the annual meeting, and for a report by the school board on the insurance coverage which it has in force.

SECTION 4. The subsection is re-enacted to delete the reference to Parts I and II of the voters' list and to include in the declaration the right to vote on a question submitted to a meeting as well as at an election.

SECTION 5. Section 89 deals with the quorum of a rural school board and provides for the calling of the first meeting of an urban or rural board. These provisions are now contained in section 38 of *The Schools Administration Act, 1954*.

SECTION 6. The subsection as re-enacted authorizes the ratepayers of a rural school section to provide for an audit of school accounts in a rural school section by local auditors in addition to the audit required under *The Municipal Act*.

1. I, A.B., declare and affirm that I am an assessed ratepayer in school section No.;
2. That I am of the full age of twenty-one years;
3. That I am a natural born (*or* naturalized) subject of Her Majesty, and am not a citizen or subject of any foreign country;
4. That I am a supporter of the public school in said school section No.;
5. That I have a right to vote at this election (*or* on the question submitted to this meeting),

or shall require the person, where he votes as an elector, who is not a ratepayer, to make the following declaration:

6. I, A.B., declare and affirm that I am entered on the assessment roll (*or* voters' list) of this municipality as entitled to vote at municipal elections;
7. That I am of the full age of twenty-one years;
8. That I am a natural born (*or* naturalized) subject of Her Majesty, and am not a citizen or subject of any foreign country;
9. That I am not a supporter of any separate school;
10. That I have been a resident of school section No. for the six months last past;
11. That I have a right to vote at this election (*or* on the question submitted to this meeting),

and after making such declaration the person making it shall be entitled to vote.

5. Section 89 of *The Public Schools Act* is repealed.

R.S.O. 1950,
c. 316, s. 89,
repealed

6. Subsection 1 of section 104 of *The Public Schools Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 316, s. 104,
subs. 1,
re-enacted

- (1) In addition to the audit required under *The Municipal Act*, the ratepayers of a rural school section at an annual or special meeting held before the 15th day of December may provide for a local audit of the school accounts, and when a local audit is provided for, there shall be two auditors, one of whom shall be elected by the ratepayers and the other appointed by the school board before the 15th day of December.

Local
auditors
R.S.O. 1950,
c. 243

7. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

8. This Act may be cited as *The Public Schools Amendment Act, 1956*.

Short title

BILL

An Act to amend The Public Schools Act

1st Reading

February 7th, 1956

2nd Reading

3rd Reading

MR. DUNLOP

No. 55

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act to amend The Public Schools Act

MR. DUNLOP

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 55

1956

BILL

An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 29 of *The Public Schools Act* R.S.O. 1950, c. 316, s. 29, amended is amended by adding at the commencement thereof "Except as provided in sections 15 and 17", so that the subsection shall read as follows:

- (1) Except as provided in sections 15 and 17, on the formation, dissolution, division or alteration of any school section or sections in the same township, in case the boards of the sections interested are unable to agree, the inspector and two other persons appointed by the township council shall, as arbitrators, value, adjust and determine in an equitable manner all rights and claims consequent upon such formation, dissolution, division or alteration between the respective parts of the township affected, and the determination of the arbitrators or of any two of them shall be final and conclusive. Adjustment of claims between members of unions in same township

2.—(1) Section 46 of *The Public Schools Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 316, s. 46, amended

- (5a) Where in any year it appears to a school board that the assessment roll will not be returned on the 30th day of September, the board may, by resolution passed with the approval of the Minister, extend the time for the return of that assessment roll for such period not exceeding sixty days subsequent to the 30th day of September as appears necessary, and when such a resolution is passed the time for closing the court of revision for that year is thereby extended for a period corresponding to that for which the time for the return of the assessment roll is extended. Extension of time for return of roll

R.S.O. 1950,
c. 316, s. 46,
subs. 12,
amended

(2) Subsection 12 of the said section 46 is amended by striking out "or of the court of revision where no appeal is taken to the district judge, and the provisions of sections 72 to 83" in the seventh, eighth and ninth lines and inserting in lieu thereof "and the provisions of sections 72 to 83c", so that the subsection shall read as follows:

Appeals

(12) An appeal to the district judge shall lie at the instance of the board, the assessor or any person assessed, not only against a decision of the court of revision on an appeal to the said court but also against any omission, neglect or refusal of the said court to hear or decide an appeal, and an appeal shall lie to the Ontario Municipal Board from a decision of the district judge and the provisions of sections 72 to 83c, except section 78, of *The Assessment Act* shall apply *mutatis mutandis* to every such appeal.

R.S.O. 1950,
c. 24

R.S.O. 1950,
c. 316, s. 71,
subs. 9,
re-enacted

3. Subsection 9 of section 71 of *The Public Schools Act* is repealed and the following substituted therefor:

Order of
business

(9) The business of every school meeting may be conducted in the following order:

1. Receiving and disposing of the annual report of the trustees.
2. Receiving a report from the trustees on the insurance on the buildings and equipment.
3. Receiving and disposing of the last annual report of the municipal auditor.
4. Where the ratepayers have provided for a local audit, receiving and disposing of the report of the local auditors.
5. If deemed necessary, providing for a local audit and the election of a local auditor for the ensuing year.
6. Miscellaneous business.
7. The election of trustees.

R.S.O. 1950,
c. 316, s. 73,
subs. 7,
re-enacted

4. Subsection 7 of section 73 of *The Public Schools Act* is repealed and the following substituted therefor:

Right to
vote
objected to

(7) If objection is made to the right of any person to vote, the chairman, if the name of the person appears on the assessment roll or on the voters' list, shall require the person, where he votes as a ratepayer, to make the following declaration:

1. I, A.B., declare and affirm that I am an assessed ratepayer in school section No.;
2. That I am of the full age of twenty-one years;
3. That I am a natural born (*or* naturalized) subject of Her Majesty, and am not a citizen or subject of any foreign country;
4. That I am a supporter of the public school in said school section No.;
5. That I have a right to vote at this election (*or* on the question submitted to this meeting),

or shall require the person, where he votes as an elector, who is not a ratepayer, to make the following declaration:

6. I, A.B., declare and affirm that I am entered on the assessment roll (*or* voters' list) of this municipality as entitled to vote at municipal elections;
7. That I am of the full age of twenty-one years;
8. That I am a natural born (*or* naturalized) subject of Her Majesty, and am not a citizen or subject of any foreign country;
9. That I am not a supporter of any separate school;
10. That I have been a resident of school section No. for the six months last past;
11. That I have a right to vote at this election (*or* on the question submitted to this meeting),

and after making such declaration the person making it shall be entitled to vote.

5. Section 89 of *The Public Schools Act* is repealed.

R.S.O. 1950,
c. 316, s. 89,
repealed

6. Subsection 1 of section 104 of *The Public Schools Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 316, s. 104,
subs. 1,
re-enacted

- (1) In addition to the audit required under *The Municipal Act*, the ratepayers of a rural school section at an annual or special meeting held before the 15th day of December may provide for a local audit of the school accounts, and when a local audit is provided for, there shall be two auditors, one of whom shall be elected by the ratepayers and the other appointed by the school board before the 15th day of December.

Local
auditors
R.S.O. 1950,
c. 243

7. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

8. This Act may be cited as *The Public Schools Amendment Act, 1956*.

Short title

Bill

An Act to amend The Public Schools Act

1st Reading

February 7th, 1956

2nd Reading

February 14th, 1956

3rd Reading

February 27th, 1956

Mr. Dunlop

No. 56

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to establish The Lakehead College of Arts,
Science and Technology

MR. DUNLOP

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The Act establishes The Lakehead College of Arts, Science and Technology and transfers the management and control of the present Lakehead Technical Institute to the Board of Governors of the College.

No. 56

1956

BILL

An Act to establish The Lakehead College of Arts, Science and Technology

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means The Board of Governors of The Lakehead College of Arts, Science and Technology;
- (b) "College" means The Lakehead College of Arts, Science and Technology;
- (c) "Minister" means Minister of Education;
- (d) "property" includes real and personal property;
- (e) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein.

2. The Lakehead College of Arts, Science and Technology ^{College established} is hereby established and the government, conduct, management and control of the Lakehead Technical Institute established by Order in Council on the 4th day of June, 1946, are hereby transferred to the Board of the College.

3. The objects and purposes of the College are,

Objects

- (a) to provide courses of studies in arts and science; and
- (b) to provide courses of studies in any branch of technology as the Board, upon the recommendation of an advisory committee, may determine.

4. There shall be a board of governors which is hereby ^{Board established} constituted a body corporate under the name "The Board of

Governors of The Lakehead College of Arts, Science and Technology".

Composition
of Board

5.—(1) The Board shall be composed of,

- (a) three members appointed by the Minister;
- (b) not more than twenty-four members, representing organizations and industries identified with the objects of the College, appointed by the Minister upon the recommendation of the Board;
- (c) one member appointed by the council of the City of Fort William;
- (d) one member appointed by the council of the City of Port Arthur.

Term of
office

(2) Except as provided in section 6, each member shall hold office for three years, shall be eligible for reappointment and shall hold office until his successor is appointed.

First Board

6. The first Board shall be composed of,

- (a) three members appointed by the Minister;
- (b) the present twenty-four members of the Advisory Board of the Lakehead Technical Institute, eight of whom shall be designated by the Minister to hold office for one year, eight for two years and eight for three years;
- (c) one member appointed by the council of the City of Fort William; and
- (d) one member appointed by the council of the City of Port Arthur.

Membership
vacated

7.—(1) If a member of the Board becomes mentally incapacitated or otherwise incapable of acting as a member or is absent from three consecutive meetings of the Board without having been granted leave of absence by the Board, he shall *ipso facto* vacate his office and the Board shall by resolution declare his membership vacant.

Filling
vacancies

(2) Where a vacancy occurs before the term of office for which the member has been appointed has expired, the Minister, upon the recommendation of the Board, shall appoint a member to fill the vacancy for the remainder of the term of the member whose membership is vacant.

8.—(1) The Board shall elect one of its members to be chairman and one of its members to be vice-chairman, and in the case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman shall act as and have all the powers of the chairman.

(2) In case of the absence or illness of the chairman and of the vice-chairman, the Board may appoint one of its members to act as chairman *pro tempore* and the member so appointed shall act as and have all the powers of the chairman.

9. The government, conduct, management and control of the College is hereby vested in the Board.

10. The principal of the College, subject to the by-laws of the Board, shall be responsible for the operation and management of the College.

11.—(1) The Board may appoint advisory committees composed of three or more members as determined by the Board with respect to any course or group of courses.

(2) Each advisory committee shall act as a liaison body between the Board and the industry concerned and shall,

- (a) advise on courses of study;
- (b) assist in the placement of students in industry;
- (c) assist in the recruiting of students for the various courses;
- (d) encourage the support of the College through the establishment of awards, bursaries, scholarships and donation of equipment and supplies;
- (e) advise on any other matter which may be referred to the committee by the Board.

12. The Board has power,

Powers of Board

- (a) to appoint a principal, secretary and treasurer, the teaching staff and all such officers, clerks and other employees as the Board may think necessary for the purposes of the College and to fix their salaries or remuneration and their tenure of office or employment and determine their functions, duties, powers and responsibilities;
- (b) to provide for the retirement and superannuation of persons mentioned in clause a;

- (c) to provide for payments by way of gratuities, retiring allowances, superannuation allowances, pensions, annuities or life insurance or any combination thereof payable to, in respect of, or for the benefit of the persons mentioned in clause *a* for any class or classes thereof out of a fund or funds comprising contributions made by such persons or any class or classes thereof, or by the Board, or both, or otherwise;
- (d) to expend such sums as may be required for the purposes of funds which are established for the payment of gratuities, retirement allowances, pensions, life insurance or health insurance for the benefit of the persons mentioned in clause *a*;
- (e) to appoint by resolution a member or members of the Board or any other person or persons to execute on behalf of the Board either documents and other instruments in writing generally or specific documents and other instruments in writing and to affix the corporate seal of the Board thereto;
- (f) in addition to the powers, rights and privileges mentioned in section 27 of *The Interpretation Act*, to purchase, acquire, take and hold by deed, grant, gift, bequest or devise or otherwise property for the purposes of the College without licence in mortmain and to sell, grant, convey, mortgage, lease or otherwise dispose of such property or any part thereof;
- (g) to expend such sums as the Board may deem necessary for the support and maintenance of the College and for the betterment of existing buildings and the erection of such new buildings as the Board may deem necessary for the purposes of the College and for the furnishing and equipment of such existing or new buildings;
- (h) to borrow money for its purposes upon its credit and to mortgage, hypothecate or pledge as security for any loan any property vested in or held by it;
- (i) to invest funds of the Board not immediately required for its purposes, and the proceeds of all property vested in or held by the Board, subject to the limitations imposed by any trust, in such investments as the Board may see fit;

R.S.O. 1950,
c. 184

(j) to make by-laws,

- (i) respecting the meetings of the Board including the determination of a quorum necessary for the transaction of business,
- (ii) after consultation with the Minister, establishing courses of study and providing for examination and the awarding of certificates and diplomas,
- (iii) fixing fees to be paid by students for instruction, examinations, certificates, diplomas and any ancillary activities,
- (iv) establishing awards, bursaries and scholarships.
- (v) respecting all matters deemed necessary or advisable for the government, management, conduct and control of the College.

13. *The Teachers' Superannuation Act* applies to the teachers on the instructional staff of the College in the same manner as if the College were specified by name in subclause v of clause d of section 1 of that Act. ^{Super-annuation R.S.O. 1950, c. 384}

14. The accounts of the Board shall be audited at least once a year by an auditor or auditors appointed by the Board. ^{Audit of accounts}

15.—(1) The Board, after the close of each College year, shall file with the Minister an annual report in such form as the Minister may require and the Minister shall file it with the Provincial Secretary. ^{Annual report}

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council, and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session. ^{Tabling}

16. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. ^{Commence-ment}

17. This Act may be cited as *The Lakehead College of Arts, Science and Technology Act, 1956*. ^{Short title}

BILL

An Act to establish
The Lakehead College of Arts,
Science and Technology

1st Reading

February 7th, 1956

2nd Reading

3rd Reading

MR. DUNLOP

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to establish The Lakehead College of Arts,
Science and Technology

MR. DUNLOP

(Reprinted as amended by the Committee on Education)

EXPLANATORY NOTE

The Act establishes The Lakehead College of Arts, Science and Technology and transfers the management and control of the present Lakehead Technical Institute to the Board of Governors of the College.

No. 56

1956

BILL

An Act to establish The Lakehead College of Arts, Science and Technology

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means The Board of Governors of The Lakehead College of Arts, Science and Technology;
- (b) "College" means The Lakehead College of Arts, Science and Technology;
- (c) "Minister" means Minister of Education;
- (d) "property" includes real and personal property;
- (e) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein.

2. The Lakehead College of Arts, Science and Technology ^{College established} is hereby established and the government, conduct, management and control of the Lakehead Technical Institute established by Order in Council on the 4th day of June, 1946, are hereby transferred to the Board of the College.

3. The objects and purposes of the College are,

Objects

- (a) to provide courses of studies in arts and science; and
- (b) to provide courses of studies in any branch of technology as the Board, upon the recommendation of an advisory committee, may determine.

4. There shall be a board of governors which is hereby ^{Board established} constituted a body corporate under the name "The Board of

Governors of The Lakehead College of Arts, Science and Technology".

Composition
of Board

5.—(1) The Board shall be composed of,

- (a) three members appointed by the Minister;
- (b) not more than twenty-four members, representing organizations and industries identified with the objects of the College, appointed by the Minister upon the recommendation of the Board;
- (c) one member appointed by the council of the City of Fort William;
- (d) one member appointed by the council of the City of Port Arthur.

Term of
office

(2) Except as provided in section 6, each member shall hold office for three years, shall be eligible for reappointment and shall hold office until his successor is appointed.

First Board

6. The first Board shall be composed of,

- (a) three members appointed by the Minister;
- (b) the present twenty-four members of the Advisory Board of the Lakehead Technical Institute, eight of whom shall be designated by the Minister to hold office for one year, eight for two years and eight for three years;
- (c) one member appointed by the council of the City of Fort William; and
- (d) one member appointed by the council of the City of Port Arthur.

Membership
vacated

7.—(1) If a member of the Board becomes mentally incapacitated or otherwise incapable of acting as a member or is absent from three consecutive meetings of the Board without having been granted leave of absence by the Board, he shall *ipso facto* vacate his office and the Board shall by resolution declare his membership vacant.

Filling
vacancies

(2) Where a vacancy occurs before the term of office for which the member has been appointed has expired, the Minister, upon the recommendation of the Board, shall appoint a member to fill the vacancy for the remainder of the term of the member whose membership is vacant.

8.—(1) The Board shall elect one of its members to be chairman and one of its members to be vice-chairman, and in the case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman shall act as and have all the powers of the chairman.

(2) In case of the absence or illness of the chairman and of the vice-chairman, the Board may appoint one of its members to act as chairman *pro tempore* and the member so appointed shall act as and have all the powers of the chairman.

9. The government, conduct, management and control of the College is hereby vested in the Board.

10. The principal of the College, subject to the by-laws of the Board, shall be responsible for the operation and management of the College.

11.—(1) The Board may appoint advisory committees composed of three or more members as determined by the Board with respect to any course or group of courses.

(2) Each advisory committee shall act as a liaison body between the Board and the industry concerned and shall,

- (a) advise on courses of study;
- (b) assist in the placement of students in industry;
- (c) assist in the recruiting of students for the various courses;
- (d) encourage the support of the College through the establishment of awards, bursaries, scholarships and donation of equipment and supplies;
- (e) advise on any other matter which may be referred to the committee by the Board.

12. The Board has power,

Powers of
Board

- (a) to appoint a principal, secretary and treasurer, the teaching staff and all such officers, clerks and other employees as the Board may think necessary for the purposes of the College and to fix their salaries or remuneration and their tenure of office or employment and determine their functions, duties, powers and responsibilities;
- (b) to provide for the retirement and superannuation of persons mentioned in clause a;

- (c) to provide for payments by way of gratuities, retiring allowances, superannuation allowances, pensions, annuities or life insurance or any combination thereof payable to, in respect of, or for the benefit of the persons mentioned in clause *a* for any class or classes thereof out of a fund or funds comprising contributions made by such persons or any class or classes thereof, or by the Board, or both, or otherwise;
- (d) to expend such sums as may be required for the purposes of funds which are established for the payment of gratuities, retirement allowances, pensions, life insurance or health insurance for the benefit of the persons mentioned in clause *a*;
- (e) to appoint by resolution a member or members of the Board or any other person or persons to execute on behalf of the Board either documents and other instruments in writing generally or specific documents and other instruments in writing and to affix the corporate seal of the Board thereto;
- (f) in addition to the powers, rights and privileges mentioned in section 27 of *The Interpretation Act*, to purchase, acquire, take and hold by deed, grant, gift, bequest or devise or otherwise property for the purposes of the College without licence in mortmain and to sell, grant, convey, mortgage, lease or otherwise dispose of such property or any part thereof;
- (g) to expend such sums as the Board may deem necessary for the support and maintenance of the College and for the betterment of existing buildings and the erection of such new buildings as the Board may deem necessary for the purposes of the College and for the furnishing and equipment of such existing or new buildings;
- (h) to borrow money for its purposes upon its credit and to mortgage, hypothecate or pledge as security for any loan any property vested in or held by it;
- (i) to invest funds of the Board not immediately required for its purposes, and the proceeds of all property vested in or held by the Board, subject to the limitations imposed by any trust, in such investments as the Board may see fit;

R.S.O. 1950,
c. 184

(j) to enter into any arrangement with any federal, provincial, municipal, local or other authority that may seem conducive to the objects of the College;

(k) to make by-laws,

- (i) respecting the meetings of the Board including the determination of a quorum necessary for the transaction of business,
- (ii) after consultation with the Minister, establishing courses of study and providing for examination and the awarding of certificates and diplomas,
- (iii) fixing fees to be paid by students for instruction, examinations, certificates, diplomas and any ancillary activities,
- (iv) establishing awards, bursaries and scholarships,
- (v) respecting all matters deemed necessary or advisable for the government, management, conduct and control of the College.

13. *The Teachers' Superannuation Act* applies to the teachers on the instructional staff of the College in the same manner as if the College were specified by name in subclause v of clause d of section 1 of that Act. ^{Super-annuation R.S.O. 1950, c. 384}

14. The accounts of the Board shall be audited at least once a year by an auditor or auditors appointed by the Board. ^{Audit of accounts}

15.—(1) The Board, after the close of each College year, shall file with the Minister an annual report in such form as the Minister may require and the Minister shall file it with the Provincial Secretary. ^{Annual report}

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council, and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session. ^{Tabling}

16. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. ^{Commence-ment}

17. This Act may be cited as *The Lakehead College of Arts, Science and Technology Act, 1956*. ^{Short title}

BILL

An Act to establish
The Lakehead College of Arts,
Science and Technology

1st Reading

February 7th, 1956

2nd Reading

February 20th, 1956

3rd Reading

MR. DUNLOP

(Reprinted as amended by
the Committee on Education)

No. 56

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

**An Act to establish The Lakehead College of Arts,
Science and Technology**

MR. DUNLOP

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 56

1956

BILL

An Act to establish The Lakehead College of Arts, Science and Technology

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means The Board of Governors of The Lakehead College of Arts, Science and Technology;
- (b) "College" means The Lakehead College of Arts, Science and Technology;
- (c) "Minister" means Minister of Education;
- (d) "property" includes real and personal property;
- (e) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein.

2. The Lakehead College of Arts, Science and Technology ^{College established} is hereby established and the government, conduct, management and control of the Lakehead Technical Institute established by Order in Council on the 4th day of June, 1946, are hereby transferred to the Board of the College.

3. The objects and purposes of the College are,

Objects

- (a) to provide courses of studies in arts and science; and
- (b) to provide courses of studies in any branch of technology as the Board, upon the recommendation of an advisory committee, may determine.

4. There shall be a board of governors which is hereby ^{Board established} constituted a body corporate under the name "The Board of

Governors of The Lakehead College of Arts, Science and Technology".

Composition
of Board

5.—(1) The Board shall be composed of,

- (a) three members appointed by the Minister;
- (b) not more than twenty-four members, representing organizations and industries identified with the objects of the College, appointed by the Minister upon the recommendation of the Board;
- (c) one member appointed by the council of the City of Fort William;
- (d) one member appointed by the council of the City of Port Arthur.

Term of
office

(2) Except as provided in section 6, each member shall hold office for three years, shall be eligible for reappointment and shall hold office until his successor is appointed.

First Board

6. The first Board shall be composed of,

- (a) three members appointed by the Minister;
- (b) the present twenty-four members of the Advisory Board of the Lakehead Technical Institute, eight of whom shall be designated by the Minister to hold office for one year, eight for two years and eight for three years;
- (c) one member appointed by the council of the City of Fort William; and
- (d) one member appointed by the council of the City of Port Arthur.

Membership
vacated

7.—(1) If a member of the Board becomes mentally incapacitated or otherwise incapable of acting as a member or is absent from three consecutive meetings of the Board without having been granted leave of absence by the Board, he shall *ipso facto* vacate his office and the Board shall by resolution declare his membership vacant.

Filling
vacancies

(2) Where a vacancy occurs before the term of office for which the member has been appointed has expired, the Minister, upon the recommendation of the Board, shall appoint a member to fill the vacancy for the remainder of the term of the member whose membership is vacant.

8.—(1) The Board shall elect one of its members to be ^{Chairman and vice-chairman} chairman and one of its members to be vice-chairman, and in the case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman shall act as and have all the powers of the chairman.

(2) In case of the absence or illness of the chairman and ^{Absence} of the vice-chairman, the Board may appoint one of its members to act as chairman *pro tempore* and the member so appointed shall act as and have all the powers of the chairman.

9. The government, conduct, management and control of ^{Government of College} the College is hereby vested in the Board.

10. The principal of the College, subject to the by-laws ^{Principal} of the Board, shall be responsible for the operation and management of the College.

11.—(1) The Board may appoint advisory committees ^{Advisory committees} composed of three or more members as determined by the Board with respect to any course or group of courses.

(2) Each advisory committee shall act as a liaison body ^{Duties} between the Board and the industry concerned and shall,

- (a) advise on courses of study;
- (b) assist in the placement of students in industry;
- (c) assist in the recruiting of students for the various courses;
- (d) encourage the support of the College through the establishment of awards, bursaries, scholarships and donation of equipment and supplies;
- (e) advise on any other matter which may be referred to the committee by the Board.

12. The Board has power, ^{Powers of Board}

- (a) to appoint a principal, secretary and treasurer, the teaching staff and all such officers, clerks and other employees as the Board may think necessary for the purposes of the College and to fix their salaries or remuneration and their tenure of office or employment and determine their functions, duties, powers and responsibilities;
- (b) to provide for the retirement and superannuation of persons mentioned in clause a;

- (c) to provide for payments by way of gratuities, retiring allowances, superannuation allowances, pensions, annuities or life insurance or any combination thereof payable to, in respect of, or for the benefit of the persons mentioned in clause *a* for any class or classes thereof out of a fund or funds comprising contributions made by such persons or any class or classes thereof, or by the Board, or both, or otherwise;
- (d) to expend such sums as may be required for the purposes of funds which are established for the payment of gratuities, retirement allowances, pensions, life insurance or health insurance for the benefit of the persons mentioned in clause *a*;
- (e) to appoint by resolution a member or members of the Board or any other person or persons to execute on behalf of the Board either documents and other instruments in writing generally or specific documents and other instruments in writing and to affix the corporate seal of the Board thereto;
- (f) in addition to the powers, rights and privileges mentioned in section 27 of *The Interpretation Act*, to purchase, acquire, take and hold by deed, grant, gift, bequest or devise or otherwise property for the purposes of the College without licence in mortmain and to sell, grant, convey, mortgage, lease or otherwise dispose of such property or any part thereof;
- (g) to expend such sums as the Board may deem necessary for the support and maintenance of the College and for the betterment of existing buildings and the erection of such new buildings as the Board may deem necessary for the purposes of the College and for the furnishing and equipment of such existing or new buildings;
- (h) to borrow money for its purposes upon its credit and to mortgage, hypothecate or pledge as security for any loan any property vested in or held by it;
- (i) to invest funds of the Board not immediately required for its purposes, and the proceeds of all property vested in or held by the Board, subject to the limitations imposed by any trust, in such investments as the Board may see fit;

R.S.O. 1950,
c. 184

(j) to enter into any arrangement with any federal, provincial, municipal, local or other authority that may seem conducive to the objects of the College;

(k) to make by-laws,

(i) respecting the meetings of the Board including the determination of a quorum necessary for the transaction of business,

(ii) after consultation with the Minister, establishing courses of study and providing for examination and the awarding of certificates and diplomas,

(iii) fixing fees to be paid by students for instruction, examinations, certificates, diplomas and any ancillary activities,

(iv) establishing awards, bursaries and scholarships,

(v) respecting all matters deemed necessary or advisable for the government, management, conduct and control of the College.

13. *The Teachers' Superannuation Act* applies to the teachers on the instructional staff of the College in the same manner as if the College were specified by name in subclause v of clause d of section 1 of that Act. ^{Super-annuation R.S.O. 1950, c. 384}

14. The accounts of the Board shall be audited at least once a year by an auditor or auditors appointed by the Board. ^{Audit of accounts}

15.—(1) The Board, after the close of each College year, shall file with the Minister an annual report in such form as the Minister may require and the Minister shall file it with the Provincial Secretary. ^{Annual report}

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council, and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session. ^{Tabling}

16. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. ^{Commence-ment}

17. This Act may be cited as *The Lakehead College of Arts, Science and Technology Act, 1956*. ^{Short title}

BILL

An Act to establish
The Lakehead College of Arts,
Science and Technology

1st Reading

February 7th, 1956

2nd Reading

February 20th, 1956

3rd Reading

February 27th, 1956

MR. DUNLOP

No. 57

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act to amend The Beach Protection Act

MR. KELLY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

Subsection 1 of section 3 of *The Beach Protection Act* prohibits the taking of sand from any lake shore, river bank, etc., without a licence from the Minister of Mines.

Subsection 2, which this bill will repeal, provides two exceptions to this principle: subsection 1 does not apply to the removal of sand (i) by a municipality for municipal purposes, or (ii) by a *bona fide* resident of Ontario if the sand is for his personal use and not for resale or for use for commercial or industrial purposes.

The effect of this bill will be to require a licence in all cases.

No. 57

1956

BILL

An Act to amend The Beach Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Beach Protection Act* is repealed.

R.S.O. 1950,
c. 32, s. 3,
subs. 2,
repealed

2. This Act may be cited as *The Beach Protection Amendment Act, 1956*.

Short title

BILL

An Act to amend
The Beach Protection Act

1st Reading

February 7th, 1956

2nd Reading

3rd Reading

MR. KELLY

No. 58

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Conservation Authorities Act

MR. NICKLE

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The new section 4*a* constitutes an authority to be known as The Metropolitan Toronto and Region Conservation Authority which includes the present conservation authorities set up in the Metropolitan Area and surrounding territory.

The new section 17 gives authority to a conservation authority, subject to the approval of the Minister, to make regulations with respect to the subject-matter set out in the section.

No. 58

1956

BILL

An Act to amend The Conservation Authorities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Conservation Authorities Act* is amended by adding thereto the following sections: R.S.O. 1950,
c. 62,
amended

- 4a.—(1) In this section, “Metropolitan Conservation Authority” means The Metropolitan Toronto and Region Conservation Authority. Interpreta-
tion
- (2) There is hereby constituted an authority to be known as The Metropolitan Toronto and Region Conservation Authority. Metropolitan
Conservation
Authority
constituted
- (3) The Etobicoke-Mimico Conservation Authority, the Humber Valley Conservation Authority, the Don Valley Conservation Authority, and the Rouge, Duffin, Highland, Petticoat Conservation Authority established under this Act are hereby dissolved. Authorities
dissolved
- (4) All the assets and liabilities of the authorities dissolved by this section are hereby vested in and become assets and liabilities of the Metropolitan Conservation Authority. Assets and
liabilities
- (5) The Municipality of Metropolitan Toronto, the townships of Adjala, Albion, Caledon, Chinguacousy, King, Markham, Mono, Pickering, Toronto, Toronto Gore, Uxbridge, Vaughan and Whitchurch, the towns of Ajax and Brampton and the villages of Bolton, Markham, Pickering, Richmond Hill, Stouffville and Woodbridge are hereby designated as the participating municipalities in the Metropolitan Conservation Authority for the purposes of this Act. Participating
municipal-
ities
- (6) The Metropolitan Conservation Authority shall have jurisdiction in all matters provided for in this Act Jurisdiction
of Metro-
politan
Conservation
Authority

over an area composed of all areas under the jurisdiction of the four authorities dissolved by this section immediately prior to the coming into force of this section, together with all other areas lying between the westerly limit of the area under the jurisdiction of the Etobicoke-Mimico Conservation Authority and the easterly limit of the area within the jurisdiction of the Rouge, Duffin, Highland, Petticoat Conservation Authority and which front on Lake Ontario and together with the area known as Toronto Island.

Adjala,
Caledon and
Mono to be
one municipality

- (7) For the purposes of appointing members to the Metropolitan Conservation Authority, the townships of Adjala, Caledon and Mono shall be considered as one municipality.

Members

- (8) Notwithstanding section 8, the number of members appointed to the Metropolitan Conservation Authority by The Municipality of Metropolitan Toronto shall at all times be equal to the total number of members appointed by the other participating municipalities.

Minister
may appoint
one member

- (9) The Minister may appoint one member to the Metropolitan Conservation Authority but no appointment shall be made to the Metropolitan Conservation Authority under subsection 2 of section 8.

Advisory
boards

- (10) At the first meeting of the Metropolitan Conservation Authority and thereafter at the first meeting held in each calendar year, the Metropolitan Conservation Authority, from among its members, shall appoint four advisory boards,
- (a) one for the Etobicoke Creek, the Mimico Creek and the New Toronto Creek watersheds, consisting of not less than six members;
 - (b) one for the Humber River watershed, consisting of not less than eight members;
 - (c) one for the Don River watershed, consisting of not less than six members; and
 - (d) one for the Rouge River, Duffin Creek, Highland Creek and Petticoat Creek watersheds, consisting of not less than seven members.

- (11) No person shall be a member of an advisory board appointed under subsection 10 unless he is resident in the watershed or watersheds for which such board is appointed. Qualification of members of advisory boards

- 17.—(1) Subject to the approval of the Minister, an authority may make regulations applicable in the area under its jurisdiction, Regulations by authority

- (a) restricting and regulating the use of water in or from rivers, streams, inland lakes, ponds, swamps and natural or artificially-constructed depressions in rivers or streams;
- (b) regulating the location of ponds used as a source of water for irrigation;
- (c) providing for the appointment of officers to enforce the provisions of any regulation passed under this section.

- (2) No regulation passed under this section shall, Exceptions

- (a) limit the use of water for domestic or live stock purposes;
- (b) interfere with any rights or powers conferred upon a municipality;
- (c) interfere with any rights or powers of The Hydro-Electric Power Commission of Ontario or of any board or commission which is performing its functions for or on behalf of the Government of Ontario;
- (d) interfere with any rights or powers under *The Lakes and Rivers Improvement Act*; or R.S.O. 1950, c. 195
- (e) interfere with any rights or powers under *The Public Utilities Act*. R.S.O. 1950, c. 320

- (3) Every person who contravenes or fails to comply with any regulation made under this section is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000 or to a term of imprisonment of not more than three months. Penalty

2. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement

3. This Act may be cited as *The Conservation Authorities Amendment Act, 1956*. Short title

BILL

An Act to amend
The Conservation Authorities Act

1st Reading

February 7th, 1956

2nd Reading

3rd Reading

MR. NICKLE

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Conservation Authorities Act

MR. NICKLE

BILL

An Act to amend The Conservation Authorities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Conservation Authorities Act* is amended by adding thereto the following sections: R.S.O. 1950,
c. 62,
amended

- 4a.—(1) In this section, “Metropolitan Conservation Authority” means The Metropolitan Toronto and Region Conservation Authority. Interpreta-
tion
- (2) There is hereby constituted an authority to be known as The Metropolitan Toronto and Region Conservation Authority. Metropolitan
Conservation
Authority
constituted
- (3) The Etobicoke-Mimico Conservation Authority, the Humber Valley Conservation Authority, the Don Valley Conservation Authority, and the Rouge, Duffin, Highland, Petticoat Conservation Authority established under this Act are hereby dissolved. Authorities
dissolved
- (4) All the assets and liabilities of the authorities dissolved by this section are hereby vested in and become assets and liabilities of the Metropolitan Conservation Authority. Assets and
liabilities
- (5) The Municipality of Metropolitan Toronto, the townships of Adjala, Albion, Caledon, Chinguacousy, King, Markham, Mono, Pickering, Toronto, Toronto Gore, Uxbridge, Vaughan and Whitchurch, the towns of Ajax and Brampton and the villages of Bolton, Markham, Pickering, Richmond Hill, Stouffville and Woodbridge are hereby designated as the participating municipalities in the Metropolitan Conservation Authority for the purposes of this Act. Participating
municipalities
- (6) The Metropolitan Conservation Authority shall have jurisdiction in all matters provided for in this Act Jurisdiction
of Metro-
politan
Conservation
Authority

over an area composed of all areas under the jurisdiction of the four authorities dissolved by this section immediately prior to the coming into force of this section, together with all other areas lying between the westerly limit of the area under the jurisdiction of the Etobicoke-Mimico Conservation Authority and the easterly limit of the area within the jurisdiction of the Rouge, Duffin, Highland, Petticoat Conservation Authority and which front on Lake Ontario and together with the area known as Toronto Island.

Adjala,
Caledon and
Mono to be
one municipality

- (7) For the purposes of appointing members to the Metropolitan Conservation Authority, the townships of Adjala, Caledon and Mono shall be considered as one municipality.

Members

- (8) Notwithstanding section 8, the number of members appointed to the Metropolitan Conservation Authority by The Municipality of Metropolitan Toronto shall at all times be equal to the total number of members appointed by the other participating municipalities.

Minister
may appoint
one member

- (9) The Minister may appoint one member to the Metropolitan Conservation Authority but no appointment shall be made to the Metropolitan Conservation Authority under subsection 2 of section 8.

Advisory
boards

- (10) At the first meeting of the Metropolitan Conservation Authority and thereafter at the first meeting held in each calendar year, the Metropolitan Conservation Authority, from among its members, shall appoint four advisory boards,

- (a) one for the Etobicoke Creek, the Mimico Creek and the New Toronto Creek watersheds, consisting of not less than six members;
- (b) one for the Humber River watershed, consisting of not less than eight members;
- (c) one for the Don River watershed, consisting of not less than six members; and
- (d) one for the Rouge River, Duffin Creek, Highland Creek and Petticoat Creek watersheds, consisting of not less than seven members.

- (11) No person shall be a member of an advisory board appointed under subsection 10 unless he is resident in the watershed or watersheds for which such board is appointed. Qualification of members of advisory boards

.

- 17.—(1) Subject to the approval of the Minister, an authority may make regulations applicable in the area under its jurisdiction, Regulations by authority

- (a) restricting and regulating the use of water in or from rivers, streams, inland lakes, ponds, swamps and natural or artificially-constructed depressions in rivers or streams;
- (b) regulating the location of ponds used as a source of water for irrigation;
- (c) providing for the appointment of officers to enforce the provisions of any regulation passed under this section.

- (2) No regulation passed under this section shall, Exceptions

- (a) limit the use of water for domestic or live stock purposes;
- (b) interfere with any rights or powers conferred upon a municipality;
- (c) interfere with any rights or powers of The Hydro-Electric Power Commission of Ontario or of any board or commission which is performing its functions for or on behalf of the Government of Ontario;
- (d) interfere with any rights or powers under *The R.S.O. 1950, Lakes and Rivers Improvement Act*; or c. 195
- (e) interfere with any rights or powers under *The R.S.O. 1950, Public Utilities Act*. c. 320

- (3) Every person who contravenes or fails to comply with any regulation made under this section is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000 or to a term of imprisonment of not more than three months. Penalty

2. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement

3. This Act may be cited as *The Conservation Authorities Amendment Act, 1956*. Short title

BILL

An Act to amend
The Conservation Authorities Act

1st Reading

February 7th, 1956

2nd Reading

March 12th, 1956

3rd Reading

March 27th, 1956

MR. NICKLE

No. 59

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Territorial Division Act

MR. GOODFELLOW

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The Ontario Municipal Board has general powers under *The Municipal Corporations Quieting Orders Act* to determine the boundaries of any municipality. Sections 6 to 9 of *The Territorial Division Act* provide for the boundaries of townships lying on certain lakes and rivers and clause *e* of section 11 gives the Lieutenant-Governor in Council power, when doubt exists as to the township in which an island lies, to declare the township in which it lies. These provisions are in conflict with the general powers of the Ontario Municipal Board. The amendments clarify the situation by giving the Municipal Board power to determine such disputes.

No. 59

1956

BILL

An Act to amend The Territorial Division Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Territorial Division Act* is amended by adding thereto the following section: R.S.O. 1950, c. 388, amended

10a. Notwithstanding sections 6, 7, 8 and 9, where doubt exists as to the township in which an island or other tract of land or lands covered with water lies, the Ontario Municipal Board upon application under *The Municipal Corporations Quieting Orders Act* may declare the township in which the same lies. Where doubt exists as to township in which any land lies R.S.O. 1950, c. 245

2. Clause *e* of section 11 of *The Territorial Division Act* is repealed. R.S.O. 1950, c. 388, s. 11, cl. *e*, repealed

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Territorial Division Amendment Act, 1956*. Short title

BILL

An Act to amend
The Territorial Division Act

1st Reading

February 7th, 1956

2nd Reading

3rd Reading

MR. GOODFELLOW

No. 59

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Territorial Division Act

MR. GOODFELLOW

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 59

1956

BILL

An Act to amend The Territorial Division Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Territorial Division Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 388,
amended

10a. Notwithstanding sections 6, 7, 8 and 9, where doubt exists as to the township in which an island or other tract of land or lands covered with water lies, the Ontario Municipal Board upon application under *The Municipal Corporations Quieting Orders Act* may declare the township in which the same lies. Where doubt
exists as to
township
in which
any land lies
R.S.O. 1950,
c. 245

2. Clause *e* of section 11 of *The Territorial Division Act* is repealed. R.S.O. 1950,
c. 388, s. 11,
cl. *e*,
repealed

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Territorial Division Amendment Act, 1956*. Short title

BILL

An Act to amend
The Territorial Division Act

1st Reading

February 7th, 1956

2nd Reading

February 8th, 1956

3rd Reading

February 27th, 1956

Mr. GOODFELLOW

No. 60

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act to amend The Railway Fire Charge Act

MR. MAPLEDORAM

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The definition is brought into line with practice and will avoid the necessity of designating a departmental officer as collector.

SECTION 2. The stated exemptions are new and are similar to existing exemptions in *The Provincial Land Tax Act*. In addition, small holdings of lands under the Act that are subject to tax under *The Provincial Land Tax Act* are exempted from payment of the charge under this Act.

SECTION 3. The charge in respect of small holdings of lands under the Act is reduced from \$12.80 to \$6.

No. 60

1956

BILL

An Act to amend The Railway Fire Charge Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Railway Fire Charge Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 330,
s. 1, cl. *a*,
re-enacted

(*a*) "collector" means the Land Tax Collector appointed under *The Provincial Land Tax Act*.

R.S.O. 1950,
c. 298

2. *The Railway Fire Charge Act* is amended by adding thereto the following section:

R.S.O. 1950,
c. 330,
amended

1*a*. The charge imposed by this Act is not payable in respect of railway lands situate in a municipality or in respect of railway lands wherever situate that are used in connection with a place of worship, churchyard, cemetery or burying ground or where the railway lands of an owner or tenant comprise fewer than 200 acres and are subject to the tax under *The Provincial Land Tax Act*.

Exemptions

3.—(1) Subsection 1 of section 2 of *The Railway Fire Charge Act*, as amended by section 1 of *The Railway Fire Charge Amendment Act, 1951*, is further amended by adding at the commencement thereof "Subject to section 1*a*", so that the subsection shall read as follows:

R.S.O. 1950,
c. 330, s. 2,
subs. 1,
amended

(1) Subject to section 1*a*, the owner or tenant of any railway lands shall pay to the Minister annually for the uses of Ontario and for the purpose of defraying the expenses of protecting the property, rights and interest of such owner or tenant against fire, for every square mile or fraction thereof of such railway lands a sum not exceeding \$15 per annum, as may be prescribed by the Lieutenant-Governor in Council from time to time.

Annual
charge for
protection

(2) The said section 2 is amended by adding thereto the following subsection:

R.S.O. 1950,
c. 330, s. 2,
amended

Where
charge
to be \$6

- (1a) Where the railway lands of an owner or tenant comprise fewer than 200 acres and such lands are not subject to tax under *The Provincial Land Tax Act*, the charge imposed by this Act is \$6.

R.S.O. 1950,
c. 330, s. 3,
subs. 1,
amended

4. Subsection 1 of section 3 of *The Railway Fire Charge Act*, as amended by section 2 of *The Railway Fire Charge Amendment Act, 1951*, is further amended by striking out "May" in the amendment of 1951 and inserting in lieu thereof "February", so that the subsection shall read as follows:

Liability
of tenant

- (1) A tenant of railway lands shall be jointly and severally liable with the owner for the payment of the charge imposed by this Act and it shall become due and payable on or before the 1st day of February in each year.

R.S.O. 1950,
c. 330, s. 7,
re-enacted

5. Section 7 of *The Railway Fire Charge Act* is repealed and the following substituted therefor:

Computation
of charges

- 7.—(1) The collector shall compute the annual charges imposed by this Act and shall insert the amounts thereof in the roll.

Billing

- (2) The collector shall mail a bill by prepaid post to every owner or tenant of railway lands on which a charge is imposed by this Act at his last known address on or before the 15th day of January in the year for which the charge is imposed, and such bill shall contain a description of the lands, the area thereof, the amount of the charge payable and such other information as the collector deems appropriate.

R.S.O. 1950,
c. 330, s. 8,
repealed

6. Section 8 of *The Railway Fire Charge Act* is repealed.

R.S.O. 1950,
c. 330, s. 9,
re-enacted

7. Section 9 of *The Railway Fire Charge Act*, as amended by section 3 of *The Railway Fire Charge Amendment Act, 1951*, is repealed and the following substituted therefor:

Penalty
and interest
on unpaid
charges

9. Where the charge imposed by this Act remains unpaid on the 1st day of March in the year for which it is payable, a penalty of 5 per cent shall be added thereto and the charge and penalty shall bear interest at the rate of 6 per cent per annum from such 1st day of March until paid, and for all purposes the amount of the charge, penalty and interest shall be deemed to be the charge due and payable under this Act.

SECTION 4. This amendment will bring the due day into line with section 17 (2) of *The Provincial Land Tax Act*.

SECTION 5. The billing procedures are brought into line with similar procedures under *The Provincial Land Tax Act*.

SECTION 6. The publication of the charges imposed in *The Ontario Gazette* and in a local newspaper is discontinued.

SECTION 7. The section is brought into line with *The Provincial Land Tax Act*.

SECTION 8. The forfeiture procedures of *The Provincial Land Tax Act* are adopted for the purposes of this Act.

SECTION 9. The clause repealed empowers the Lieutenant-Governor in Council to make regulations "designating the collector and prescribing his duties and the procedure in his office".

The collector will be named in the Act (see section 1 of this bill) and the remainder of the clause is a matter of administration, not regulation. The clause is therefore repealed.

8. Sections 10, 11, 12, 13 and 14 of *The Railway Fire Charge Act* are repealed and the following substituted therefor: R.S.O. 1950, c. 330, s. 10, re-enacted; ss. 11-14, repealed

10. Sections 21 and 22 of *The Provincial Land Tax Act* of Application of R.S.O. 1950, c. 298, ss. 21, 22 apply *mutatis mutandis* to this Act.

9. Clause *a* of section 15 of *The Railway Fire Charge Act* R.S.O. 1950, c. 330, s. 15, cl. a, repealed is repealed.

10. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement

11. This Act may be cited as *The Railway Fire Charge Amendment Act, 1956*. Short title

BILL

An Act to amend
The Railway Fire Charge Act

1st Reading

February 7th, 1956

2nd Reading

3rd Reading

MR. MAPLEDORAM

No. 60

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Railway Fire Charge Act

MR. MAPLEDORAM

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 60

1956

BILL

An Act to amend The Railway Fire Charge Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Railway Fire Charge Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 330,
s. 1, cl. *a*,
re-enacted

(*a*) "collector" means the Land Tax Collector appointed under *The Provincial Land Tax Act*.

R.S.O. 1950,
c. 298

2. *The Railway Fire Charge Act* is amended by adding thereto the following section:

R.S.O. 1950,
c. 330,
amended

1*a*. The charge imposed by this Act is not payable in respect of railway lands situate in a municipality or in respect of railway lands wherever situate that are used in connection with a place of worship, churchyard, cemetery or burying ground or where the railway lands of an owner or tenant comprise fewer than 200 acres and are subject to the tax under *The Provincial Land Tax Act*.

Exemptions

3.—(1) Subsection 1 of section 2 of *The Railway Fire Charge Act*, as amended by section 1 of *The Railway Fire Charge Amendment Act, 1951*, is further amended by adding at the commencement thereof "Subject to section 1*a*", so that the subsection shall read as follows:

R.S.O. 1950,
c. 330, s. 2,
subs. 1,
amended

(1) Subject to section 1*a*, the owner or tenant of any railway lands shall pay to the Minister annually for the uses of Ontario and for the purpose of defraying the expenses of protecting the property, rights and interest of such owner or tenant against fire, for every square mile or fraction thereof of such railway lands a sum not exceeding \$15 per annum, as may be prescribed by the Lieutenant-Governor in Council from time to time.

Annual
charge for
protection

(2) The said section 2 is amended by adding thereto the following subsection:

R.S.O. 1950,
c. 330, s. 2,
amended

Where
charge
to be \$6

- (1a) Where the railway lands of an owner or tenant comprise fewer than 200 acres and such lands are not subject to tax under *The Provincial Land Tax Act*, the charge imposed by this Act is \$6.

R.S.O. 1950,
c. 330, s. 3,
subs. 1,
amended

4. Subsection 1 of section 3 of *The Railway Fire Charge Act*, as amended by section 2 of *The Railway Fire Charge Amendment Act, 1951*, is further amended by striking out "May" in the amendment of 1951 and inserting in lieu thereof "February", so that the subsection shall read as follows:

Liability
of tenant

- (1) A tenant of railway lands shall be jointly and severally liable with the owner for the payment of the charge imposed by this Act and it shall become due and payable on or before the 1st day of February in each year.

R.S.O. 1950,
c. 330, s. 7,
re-enacted

5. Section 7 of *The Railway Fire Charge Act* is repealed and the following substituted therefor:

Computation
of charges

- 7.—(1) The collector shall compute the annual charges imposed by this Act and shall insert the amounts thereof in the roll.

Billing

- (2) The collector shall mail a bill by prepaid post to every owner or tenant of railway lands on which a charge is imposed by this Act at his last known address on or before the 15th day of January in the year for which the charge is imposed, and such bill shall contain a description of the lands, the area thereof, the amount of the charge payable and such other information as the collector deems appropriate.

R.S.O. 1950,
c. 330, s. 8,
repealed

6. Section 8 of *The Railway Fire Charge Act* is repealed.

R.S.O. 1950,
c. 330, s. 9,
re-enacted

7. Section 9 of *The Railway Fire Charge Act*, as amended by section 3 of *The Railway Fire Charge Amendment Act, 1951*, is repealed and the following substituted therefor:

Penalty
and interest
on unpaid
charges

9. Where the charge imposed by this Act remains unpaid on the 1st day of March in the year for which it is payable, a penalty of 5 per cent shall be added thereto and the charge and penalty shall bear interest at the rate of 6 per cent per annum from such 1st day of March until paid, and for all purposes the amount of the charge, penalty and interest shall be deemed to be the charge due and payable under this Act.

8. Sections 10, 11, 12, 13 and 14 of *The Railway Fire Charge Act* are repealed and the following substituted therefor: R.S.O. 1950, c. 330, s. 10, re-enacted; ss. 11-14, repealed

10. Sections 21 and 22 of *The Provincial Land Tax Act* apply *mutatis mutandis* to this Act. Application of R.S.O. 1950, c. 298, ss. 21, 22

9. Clause *a* of section 15 of *The Railway Fire Charge Act* is repealed. R.S.O. 1950, c. 330, s. 15, cl. *a*, repealed

10. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement

11. This Act may be cited as *The Railway Fire Charge Amendment Act, 1956*. Short title

BILL

An Act to amend
The Railway Fire Charge Act

1st Reading

February 7th, 1956

2nd Reading

February 24th, 1956

3rd Reading

February 28th, 1956

MR. MAPLEDORAM

No. 61

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Limited Partnerships Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

Certificates of limited partnerships under *The Limited Partnerships Act* are now required to be filed in the office of the clerk of the proper county or district court. This bill will change the place of filing and require these certificates to be filed in the same place as declarations under *The Partnerships Registration Act* which is with the registrar of the proper registry division. This is an effort to simplify searches and the keeping of records.

No. 61

1956

BILL

An Act to amend The Limited Partnerships Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 7 and 8 of *The Limited Partnerships Act* are repealed and the following substituted therefor: R.S.O. 1950, c. 208, ss. 7, 8, re-enacted

7. The certificate so signed and certified shall be filed with the registrar of the registry division in which the principal place of business named in the certificate is situate, and shall be recorded by him in the same manner as a declaration is recorded under section 11 of *The Partnerships Registration Act*. Where filed

7a. Where a certificate is filed under this Act, a declaration is not required to be filed under *The Partnerships Registration Act*. Declaration not required where certificate filed

8. The registrar shall be entitled to receive for filing and recording the certificate and for searches the same fees as those provided in section 11 of *The Partnerships Registration Act*. Fees

2. Form 1 of *The Limited Partnerships Act* is amended by striking out "CERTIFICATE" in the heading and inserting in lieu thereof "CERTIFICATE OF LIMITED PARTNERSHIP". R.S.O. 1950, c. 208, Form 1, amended

3.—(1) Existing records and books kept by the clerk of a county or district court under *The Limited Partnerships Act* shall be transferred to the registrar of the registry division in the county or district. Transfer of existing records and books

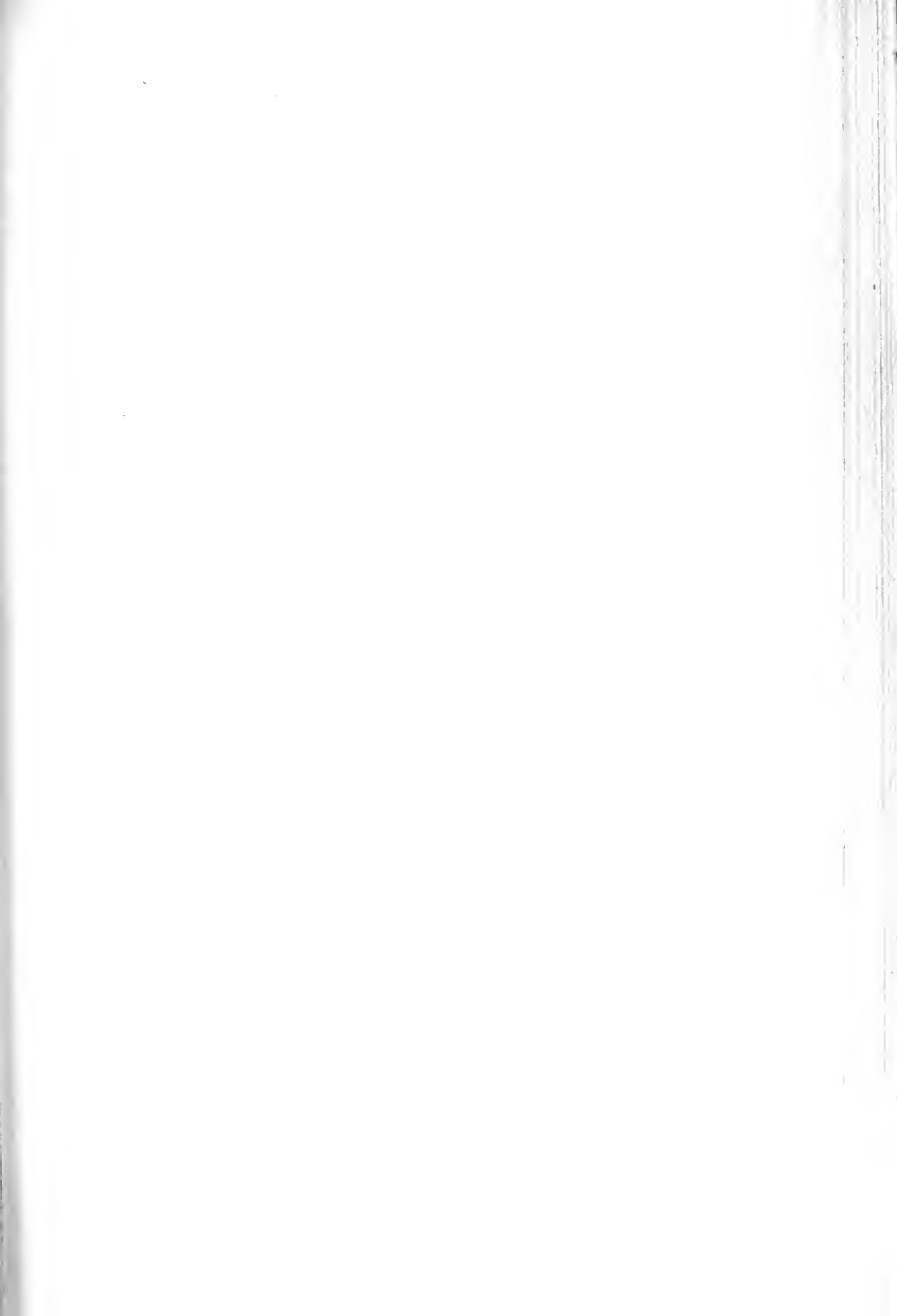
(2) Where there is more than one registry division in a county or district, each registrar of each registry division in the county or district shall receive from the clerk of the county or district court copies of the existing records and books kept by the clerk. Idem

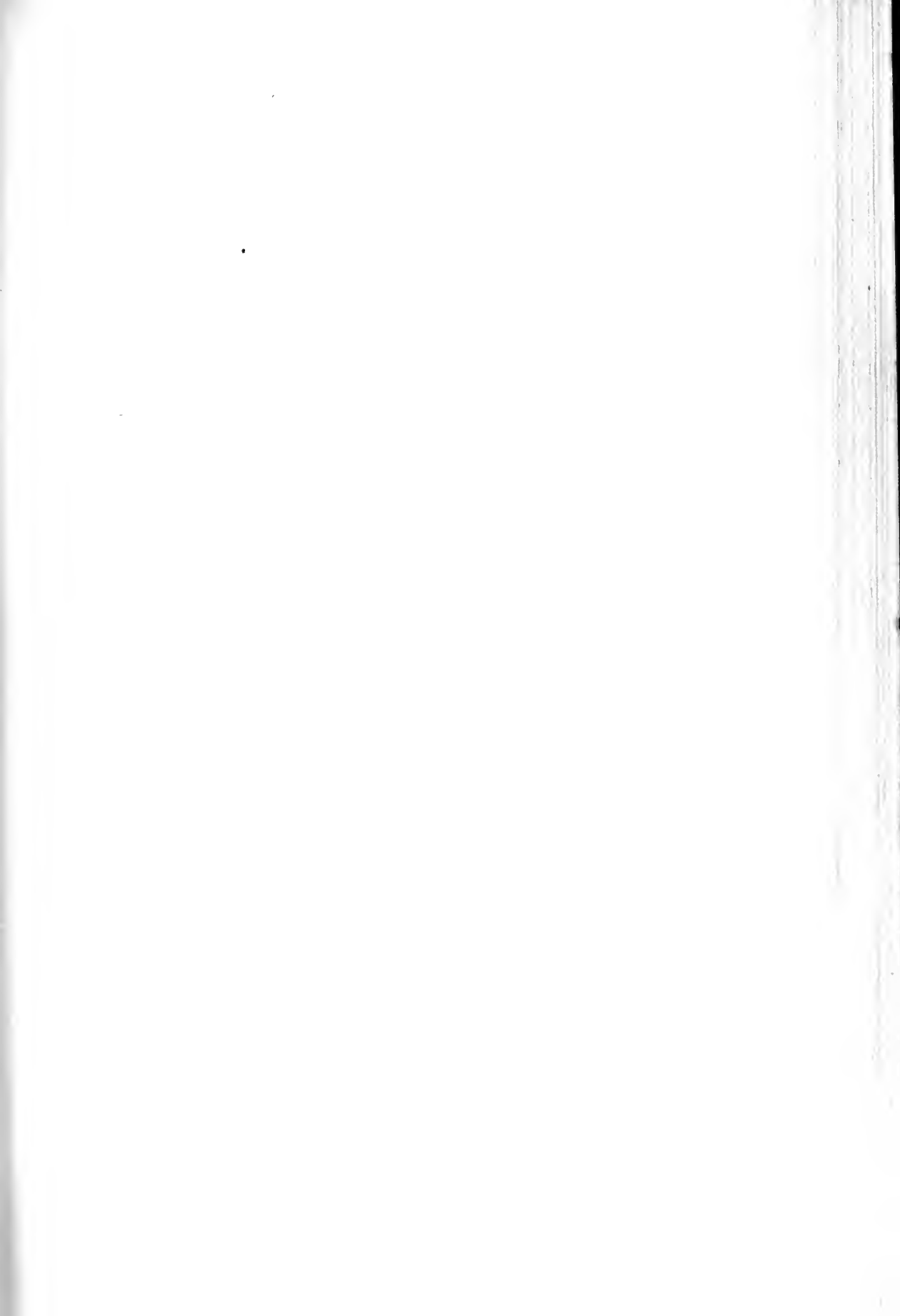
Commence-
ment

4. This Act comes into force on the 1st day of July, 1956.

Short title

5. This Act may be cited as *The Limited Partnerships
Amendment Act, 1956*.





BILL

An Act to amend
The Limited Partnerships Act

1st Reading

February 7th, 1956

2nd Reading

3rd Reading

MR. ROBERTS

No. 61

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Limited Partnerships Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 61

1956

BILL

An Act to amend The Limited Partnerships Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 7 and 8 of *The Limited Partnerships Act* are repealed and the following substituted therefor: R.S.O. 1950, c. 208, ss. 7, 8, e-enacted

7. The certificate so signed and certified shall be filed with the registrar of the registry division in which the principal place of business named in the certificate is situate, and shall be recorded by him in the same manner as a declaration is recorded under section 11 of *The Partnerships Registration Act*. Where filed

7a. Where a certificate is filed under this Act, a declaration is not required to be filed under *The Partnerships Registration Act*. Declaration not required where certificate filed

8. The registrar shall be entitled to receive for filing and recording the certificate and for searches the same fees as those provided in section 11 of *The Partnerships Registration Act*. Fees

2. Form 1 of *The Limited Partnerships Act* is amended by striking out "CERTIFICATE" in the heading and inserting in lieu thereof "CERTIFICATE OF LIMITED PARTNERSHIP". R.S.O. 1950, c. 208, Form 1, amended

3.—(1) Existing records and books kept by the clerk of a county or district court under *The Limited Partnerships Act* shall be transferred to the registrar of the registry division in the county or district. Transfer of existing records and books

(2) Where there is more than one registry division in a county or district, each registrar of each registry division in the county or district shall receive from the clerk of the county or district court copies of the existing records and books kept by the clerk. Idem

Commence-
ment

4. This Act comes into force on the 1st day of July, 1956.

Short title

5. This Act may be cited as *The Limited Partnerships
Amendment Act, 1956*.

BILL

An Act to amend
The Limited Partnerships Act

1st Reading

February 7th, 1956

2nd Reading

February 13th, 1956

3rd Reading

March 6th, 1956

MR. ROBERTS

No. 62

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act to amend The Fire Marshals Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The provision in its present form is unduly restrictive as it may be desirable to make grants to associations, leagues or societies which are organized for the purpose of fire prevention but which are not incorporated. The amendment will make such grants possible.

SECTION 2. As the programme to standardize fire hose couplings and hydrants throughout Ontario has been completed, section 22*e* is spent. It is therefore repealed.

No. 62

1956

BILL

An Act to amend The Fire Marshals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 8 of section 2 of *The Fire Marshals Act* is ^{R.S.O. 1950, c. 140, s. 2, amended} amended by striking out "incorporated" in the fourth line ^{subs. 8, amended} and inserting in lieu thereof "organized", so that the subsection shall read as follows:

(8) The Lieutenant-Governor in Council may direct the payment out of the appropriation made by the Legislature for salaries and expenses in connection ^{Grant to fire prevention association} with this Act of a grant to any association or league or society organized for the purpose of fire prevention, and such grant may be subject to such terms and conditions as the Lieutenant-Governor in Council may deem proper.

2. Section 22e of *The Fire Marshals Act*, as enacted by ^{R.S.O. 1950, c. 140, s. 22e} section 1 of *The Fire Marshals Amendment Act, 1954*, is ^{(1954, c. 31, s. 1), re-} repealed. ^{pealed}

3. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

4. This Act may be cited as *The Fire Marshals Amendment* ^{Short title} *Act, 1956*.

BILL

An Act to amend
The Fire Marshals Act

1st Reading

February 7th, 1956

2nd Reading

3rd Reading

MR. ROBERTS

No. 62

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act to amend The Fire Marshals Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 62

1956

BILL

An Act to amend The Fire Marshals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 8 of section 2 of *The Fire Marshals Act* is amended by striking out "incorporated" in the fourth line and inserting in lieu thereof "organized", so that the subsection shall read as follows: R.S.O. 1950, c. 140, s. 2, subs. 8, amended

(8) The Lieutenant-Governor in Council may direct the payment out of the appropriation made by the Legislature for salaries and expenses in connection with this Act of a grant to any association or league or society organized for the purpose of fire prevention, and such grant may be subject to such terms and conditions as the Lieutenant-Governor in Council may deem proper. Grant to fire prevention association

2. Section 22e of *The Fire Marshals Act*, as enacted by section 1 of *The Fire Marshals Amendment Act, 1954*, is repealed. R.S.O. 1950, c. 140, s. 22e (1954, c. 31, s. 1), repealed

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Fire Marshals Amendment Act, 1956*. Short title

BILL

An Act to amend
The Fire Marshals Act

1st Reading

February 7th, 1956

2nd Reading

February 8th, 1956

3rd Reading

March 14th, 1956

MR. ROBERTS

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Reciprocal Enforcement of Maintenance Orders Act

MR. ROBERTS

EXPLANATORY NOTE

The *Currency, Mint and Exchange Fund Act* (Canada) provides that any statement as to money in a legal proceeding must be stated in the currency of Canada.

The purpose of this bill is to facilitate the registration in Ontario courts of maintenance orders made in reciprocating jurisdictions.

No. 63

1956

BILL

An Act to amend The Reciprocal Enforcement of Maintenance Orders Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Reciprocal Enforcement of Maintenance Orders Act* is amended by adding thereto the following sub-amended section: R.S.O. 1950, c. 334, s. 2,

- (3) A maintenance order that makes payable sums of money expressed in a currency other than the currency of Canada shall not be registered under this section until the court in which it is sought to register the order, in the case of the Supreme Court, the Registrar of that Court, has determined the equivalent of such sums in the currency of Canada on the basis of the rate of exchange prevailing at the date of the order of the court of the reciprocating state as ascertained from any branch of any chartered bank, and the court or Registrar, as the case may be, shall certify on the order the sums expressed in Canadian currency as so determined and upon the registration of such order it shall be deemed to be an order for the payment of the sums so certified. Conversion of Canadian currency

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Reciprocal Enforcement of Maintenance Orders Amendment Act, 1956*. Short title

BILL,

An Act to amend
The Reciprocal Enforcement
of Maintenance Orders Act

1st Reading

February 7th, 1956

2nd Reading

3rd Reading

MR. ROBERTS

No. 63

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

**An Act to amend The Reciprocal Enforcement of
Maintenance Orders Act**

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 63

1956

BILL

An Act to amend The Reciprocal Enforcement of Maintenance Orders Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Reciprocal Enforcement of Maintenance Orders Act* is amended by adding thereto the following sub-^{R.S.O. 1950, c. 334, s. 2,} amended section:

- (3) A maintenance order that makes payable sums of money expressed in a currency other than the ^{Conversion of Canadian currency} currency of Canada shall not be registered under this section until the court in which it is sought to register the order, in the case of the Supreme Court, the Registrar of that Court, has determined the equivalent of such sums in the currency of Canada on the basis of the rate of exchange prevailing at the date of the order of the court of the reciprocating state as ascertained from any branch of any chartered bank, and the court or Registrar, as the case may be, shall certify on the order the sums expressed in Canadian currency as so determined and upon the registration of such order it shall be deemed to be an order for the payment of the sums so certified.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. _{ment}

3. This Act may be cited as *The Reciprocal Enforcement of Maintenance Orders Amendment Act, 1956*. ^{Short title}

BILL

An Act to amend
The Reciprocal Enforcement
of Maintenance Orders Act

1st Reading

February 7th, 1956

2nd Reading

February 8th, 1956

3rd Reading

March 6th, 1956

MR. ROBERTS

No. 64

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Summary Convictions Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. This amendment incorporates by reference section 20 of the *Criminal Code* (Canada) which provides that a warrant or summons may be issued or executed on Sunday or a statutory holiday.

1

SECTION 2. This provision will enable a fine, etc., imposed on a corporation convicted of a summary offence to be collected by distress and sale of goods of the corporation, if such should be necessary.

Under the present law the only means of proceeding against a corporation in default of payment of a fine is to file the conviction in the Supreme Court where it is treated as a judgment of that court (*Criminal Code*, s. 623.2).

No. 64

1956

BILL

An Act to amend The Summary Convictions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Summary Convictions Act*, as re-enacted by section 1 of *The Summary Convictions Amendment Act, 1955*, is amended by inserting after "sections" in the second line "20", so that the subsection shall read as follows:

R.S.O. 1950,
c. 379, s. 3
(1955, c. 83,
s. 1), subs. 1,
amended

(1) Except where inconsistent with this Act, Parts XIX and XXIV and sections 20, 21, 22, 446 (in so far as it relates to a witness), 621, 623, 624, 625, 682, 683, 684 and 689 of the *Criminal Code* (Canada), as amended or re-enacted from time to time, apply *mutatis mutandis* to every case in which this Act applies as if the provisions thereof were enacted in and formed part of this Act.

Application
of *Criminal
Code*
1953-54,
c. 51 (Can.)

2. *The Summary Convictions Act* is amended by adding thereto the following section:

R.S.O. 1950,
c. 379,
amended

7b. Where a conviction adjudges a pecuniary penalty or compensation to be paid by a corporation or an order requires the payment of a sum of money by a corporation, whether the law authorizing such conviction or order does or does not provide a mode of raising or levying the penalty, compensation or sum of money, or of enforcing the payment thereof, the justice by his conviction or order after adjudging payment of such penalty, compensation or sum of money, with or without costs, may order and adjudge that in default of payment thereof forthwith, or within a limited time, such penalty, compensation or sum of money and costs, if the conviction or order is made with costs, shall be levied by distress and sale of sufficient goods and chattels of the corporation, and for such purpose the justice may issue a warrant

Conviction
or order
involving
payment of
money by
a corpora-
tion

of distress commanding a peace officer forthwith to make sufficient distress of the goods and chattels of the corporation, and if within ten days after the making of the distress the penalty, compensation or sum of money and costs, if the conviction or order is made with costs, together with the reasonable charges of taking and keeping the distress, are not paid, then to sell the goods and chattels and to pay the money arising from the sale to the justice, and if no such distress is found, to notify the justice of such fact.

R.S.O. 1950,
c. 379,
amended

3. *The Summary Convictions Act* is amended by adding thereto the following section:

Appeal to
Court of
Appeal

12a. An appeal to the Court of Appeal as provided by this Act may be taken by the informant or complainant or by any party to the proceedings in the Court from which the appeal lies.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Summary Convictions Amendment Act, 1956*.

SECTION 3. This amendment will provide an appeal by an informant or complainant on a question of law alone from a county or district court to the Court of Appeal with leave of the Court of Appeal. Part XXIV of the *Criminal Code* which is incorporated by reference into *The Summary Convictions Act* does not appear to provide for this procedure.

BILL

An Act to amend
The Summary Convictions Act

1st Reading

February 7th, 1956

2nd Reading

3rd Reading

MR. ROBERTS

No. 64

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Summary Convictions Act

MR. ROBERTS

(Reprinted as amended by the Committee on Legal Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. This amendment incorporates by reference section 20 of the *Criminal Code* (Canada) which provides that a warrant or summons may be issued or executed on Sunday or a statutory holiday.

SECTION 2. This provision will enable a fine, etc., imposed on a corporation convicted of a summary offence to be collected by distress and sale of goods of the corporation, if such should be necessary.

Under the present law the only means of proceeding against a corporation in default of payment of a fine is to file the conviction in the Supreme Court where it is treated as a judgment of that court (*Criminal Code*, s. 623.2).

No. 64

1956

BILL

An Act to amend The Summary Convictions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Summary Convictions Act*, as re-enacted by section 1 of *The Summary Convictions Amendment Act, 1955*, is amended by inserting after "sections" in the second line "20", so that the subsection shall read as follows:

- (1) Except where inconsistent with this Act, Parts XIX and XXIV and sections 20, 21, 22, 446 (in so far as it relates to a witness), 621, 623, 624, 625, 682, 683, 684 and 689 of the *Criminal Code* (Canada), as amended or re-enacted from time to time, apply *mutatis mutandis* to every case in which this Act applies as if the provisions thereof were enacted in and formed part of this Act.

2. *The Summary Convictions Act* is amended by adding thereto the following section:

- 7b. Where a conviction adjudges a pecuniary penalty or compensation to be paid by a corporation or an order requires the payment of a sum of money by a corporation, whether the law authorizing such conviction or order does or does not provide a mode of raising or levying the penalty, compensation or sum of money, or of enforcing the payment thereof, the justice by his conviction or order after adjudging payment of such penalty, compensation or sum of money, with or without costs, may order and adjudge that in default of payment thereof forthwith, or within a limited time, such penalty, compensation or sum of money and costs, if the conviction or order is made with costs, shall be levied by distress and sale of sufficient goods and chattels of the corporation, and for such purpose the justice may issue a warrant

of distress commanding a peace officer forthwith to make sufficient distress of the goods and chattels of the corporation, and if within ten days after the making of the distress the penalty, compensation or sum of money and costs, if the conviction or order is made with costs, together with the reasonable charges of taking and keeping the distress, are not paid, then to sell the goods and chattels and to pay the money arising from the sale to the justice, and if no such distress is found, to notify the justice of such fact.

R.S.O. 1950,
e. 379,
amended

3. *The Summary Convictions Act* is amended by adding thereto the following section:

Appeal to
Court of
Appeal

12a. An appeal to the Court of Appeal as provided by this Act may be taken by the informant or complainant or by any party to the proceedings in the Court from which the appeal lies.

Commence-
ment

4.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 shall be deemed to have come into force on the 1st day of December, 1955.

Short title

5. This Act may be cited as *The Summary Convictions Amendment Act, 1956*.

SECTION 3. This amendment will provide an appeal by an informant or complainant on a question of law alone from a county or district court to the Court of Appeal with leave of the Court of Appeal. Part XXIV of the *Criminal Code* which is incorporated by reference into *The Summary Convictions Act* does not appear to provide for this procedure.

BILL

An Act to amend
The Summary Convictions Act

1st Reading

February 7th, 1956

2nd Reading

February 13th, 1956

3rd Reading

MR. ROBERTS

(*Reprinted as amended by the
Committee on Legal Bills*)

No. 64

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Summary Convictions Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Summary Convictions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Summary Convictions Act*, as re-enacted by section 1 of *The Summary Convictions Amendment Act, 1955*, is amended by inserting after "sections" in the second line "20", so that the subsection shall read as follows:

- (1) Except where inconsistent with this Act, Parts XIX and XXIV and sections 20, 21, 22, 446 (in so far as it relates to a witness), 621, 623, 624, 625, 682, 683, 684 and 689 of the *Criminal Code* (Canada), as amended or re-enacted from time to time, apply *mutatis mutandis* to every case in which this Act applies as if the provisions thereof were enacted in and formed part of this Act.

2. *The Summary Convictions Act* is amended by adding thereto the following section:

- 7b. Where a conviction adjudges a pecuniary penalty or compensation to be paid by a corporation or an order requires the payment of a sum of money by a corporation, whether the law authorizing such conviction or order does or does not provide a mode of raising or levying the penalty, compensation or sum of money, or of enforcing the payment thereof, the justice by his conviction or order after adjudging payment of such penalty, compensation or sum of money, with or without costs, may order and adjudge that in default of payment thereof forthwith, or within a limited time, such penalty, compensation or sum of money and costs, if the conviction or order is made with costs, shall be levied by distress and sale of sufficient goods and chattels of the corporation, and for such purpose the justice may issue a warrant

of distress commanding a peace officer forthwith to make sufficient distress of the goods and chattels of the corporation, and if within ten days after the making of the distress the penalty, compensation or sum of money and costs, if the conviction or order is made with costs, together with the reasonable charges of taking and keeping the distress, are not paid, then to sell the goods and chattels and to pay the money arising from the sale to the justice, and if no such distress is found, to notify the justice of such fact.

R.S.O. 1950,
c. 379,
amended

3. *The Summary Convictions Act* is amended by adding thereto the following section:

Appeal to
Court of
Appeal

12a. An appeal to the Court of Appeal as provided by this Act may be taken by the informant or complainant or by any party to the proceedings in the Court from which the appeal lies.

Commence-
ment

4.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 shall be deemed to have come into force on the 1st day of December, 1955.

Short title

5. This Act may be cited as *The Summary Convictions Amendment Act, 1956*.

BILL

An Act to amend
The Summary Convictions Act

1st Reading

February 7th, 1956

2nd Reading

February 13th, 1956

3rd Reading

March 6th, 1956

MR. ROBERTS

No. 65

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act to amend The Land Titles Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. This re-enactment will provide for the appointment of a senior deputy master as well as a deputy master to cope with the volume of business now being done.

SECTION 2. This amendment will provide for the new post of the director of titles whose duties are of a supervisory nature. See section 16 of this Bill. There is also provision for the appointment of a deputy director of titles.

No. 65

1956

BILL

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 4 of *The Land Titles Act* are repealed and the following substituted therefor:

R.S.O. 1950,
c. 197, s. 4,
subss. 2, 3,
re-enacted

(2) The Lieutenant-Governor in Council may appoint a person, being a barrister or solicitor of not less than five years standing, to be the senior deputy of the master of titles, and the person so appointed shall act under the supervision of the master or shall act as master in the absence of the master, and when acting in the absence of the master shall have all the powers of the master.

Senior
deputy
master of
titles

(3) The Lieutenant-Governor in Council may appoint a deputy of the master of titles and the person so appointed shall act under the supervision of the master or the senior deputy master or shall act as master in the absence of the master and the senior deputy master, and when acting in the absence of the master and the senior deputy master shall have all the powers of the master.

Deputy
master
of titles

(4) When the master dies or resigns, the senior deputy master shall act as master until a master is appointed.

Death or
resignation
of master

2. *The Land Titles Act* is amended by adding thereto the following section:

R.S.O. 1950,
c. 197,
amended

4a. (1) The Lieutenant-Governor in Council may appoint a barrister or solicitor of not less than ten years standing to be the director of titles.

Director
of titles

(2) The Lieutenant-Governor in Council may appoint a barrister or solicitor of not less than five years standing to be the deputy of the director of titles,

Deputy
director
of titles

and the person so appointed shall act under the supervision of the director or shall act as director in the absence of the director, and when acting as director in the absence of the director shall have all the powers of the director.

Death or
resignation
of director
of titles

- (3) When the director of titles dies or resigns, the deputy director of titles shall act as director until a director is appointed.

R.S.O. 1950,
c. 197, s. 45,
re-enacted

3. Section 45 of *The Land Titles Act* is repealed and the following substituted therefor:

Claim that
land is
free from
dower

- 45.—(1) Where a person claims that registered land is free from dower and no instrument can be produced and registered showing release of dower by the wife of the registered owner, the proper master of titles may, upon satisfactory evidence produced before him, give notice to the wife to support her claim to dower in the registered land within thirty days.

Wife barred
after failure
to claim
dower

- (2) If the wife of the registered owner fails to claim her dower within the thirty days, the proper master of titles may enter on the register a memorandum that the land is free from dower, and this entry shall be a bar to any claim for dower by the wife.

Dower claim
decided by
master

- (3) If the wife of the registered owner claims her right to dower within the thirty days, the proper master of titles may hear and determine her claim.

Interpre-
tation

- (4) In this section, "wife of the registered owner" includes the widow of a former owner.

R.S.O. 1950,
c. 197, s. 67,
re-enacted

4. Section 67 of *The Land Titles Act* is repealed and the following substituted therefor:

Notice of
sale under
execution
of registered
land

- 67.—(1) Where registered freehold or leasehold land is sold under execution or other process, the proper master of titles, upon receiving the transfer from the sheriff or other officer with proof of due execution, shall cause a notice to be given to the person whose interest has been sold.

When
purchaser
registered
as owner

- (2) If no claim is made against the land within two weeks from the giving of the notice, the proper master of titles shall register the purchaser as owner.

Master
determines
claims

- (3) If a claim is made against the land within the two weeks from the giving of the notice, the proper master of titles shall hear and determine the claim.

SECTION 3. This re-enactment will provide a definite period within which a wife can claim her dower and will permit the proper master of titles to hear and determine such a claim.

SECTION 4. This re-enactment will permit the proper master of titles to hear and determine any claim made against land sold under execution or other process.

SECTION 5. This re-enactment will permit the proper master of titles to delete from the register reservations in letters patent which are void by statute.

SECTION 6. This amendment will permit the director of titles to apply in certain cases for an order for registration of a plan and contribution to the cost of the plan.

5. Section 96 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 197, s. 96,
re-enacted

- 96.—(1) Upon receiving a certificate of the Minister of Lands and Forests or the Deputy Minister of Lands and Forests that a reservation of any class or kind of tree in letters patent to registered land is void by statute, the proper master of titles shall delete the reservation from the register without application therefor. Deletion of
reservation
of trees
in letters
patent from
register
- (2) Upon receiving a certificate of the Minister of Mines or the Deputy Minister of Mines that a reservation of mines and minerals in letters patent to registered land issued before the 6th day of May, 1913, is void by statute, the proper master of titles shall delete the reservation from the register without application therefor. Deletion of
reservation
of mines
and minerals
in letters
patent from
register
- (3) Upon receiving a certificate of the Minister of Lands and Forests or the Deputy Minister of Lands and Forests that a reservation in letters patent to registered land, other than a reservation of any class or kind of tree or of mines and minerals, is void by statute, the proper master of titles shall delete the reservation from the register without application therefor. Deletion
of other
reservation
in letters
patent from
register
- (4) When an owner or former owner has attempted to transfer, charge or otherwise convey any mines or minerals reserved in letters patent to registered land issued before the 6th day of May, 1913, upon receiving a certificate of the Minister of Mines or Deputy Minister of Mines that the reservation in the letters patent is void by statute, the proper master of titles shall make all proper entries to define the interests of those appearing to be entitled to the mines or minerals. Transfer,
charge, etc.,
of mines
and minerals
reserved
- (5) No claim shall be sustained against the Assurance Fund respecting any right arising from any conveyance of mines or minerals reserved in letters patent issued before the 6th day of May, 1913. Claims
against
Assurance
Fund

6.—(1) Subsection 1 of section 107a of *The Land Titles Act*, as enacted by section 2 of *The Land Titles Amendment Act, 1953*, is amended by striking out "Inspector" in the tenth line and inserting in lieu thereof "director of titles", so that the subsection shall read as follows: R.S.O. 1950,
c. 197,
s. 107a
(1953, c. 54,
s. 2), sub s. 1,
amended

Power of
judge of
county court
to order
plans to
be filed

- (1) Where any land has been sold or conveyed in lots or parcels by metes and bounds, or in any other manner without a plan having been registered under this or any other Act showing such subdivisions, or where parts of lots shown by a registered plan have been sold or conveyed, and the lots or parcels so sold or conveyed are not distinguished by numbers or letters, a judge of the county or district court of the county or district in which the land is situate, on the application of the director of titles, after such notice as the judge may deem reasonable, may make an order directing the proper master of titles to have the same, or any part thereof, laid out into lots or parcels in such manner and numbered as the judge thinks fit, and a plan or plans thereof to be made in accordance with the records in the land titles office, or from actual survey, as may be found necessary, and registered in accordance with the provisions of this Act, and the order of the judge shall be endorsed on or attached to the plan and signed by him.

R.S.O. 1950,
c. 197,
s. 107a
(1953, c. 54,
s. 2), subs. 5,
amended

- (2) Subsection 5 of the said section 107a is amended by striking out "Inspector" in the second line and inserting in lieu thereof "director of titles", so that the subsection shall read as follows:

Contribution
by Crown to
cost of plan

- (5) Where land is proposed to be subdivided by plan under this section, the director of titles may cause the Attorney-General to be notified of the application, and the Attorney-General, on behalf of the Crown, may either submit that the Crown shall pay or contribute such part of the costs and expenses mentioned in subsection 2 as the judge may determine to be reasonable, or the Attorney-General may consent, on behalf of the Crown, that the Crown shall pay and contribute a definite part of such costs and expenses, and in either of such cases the judge may direct by what person or municipality the remainder of such costs and expenses shall be borne, and any such order may be entered and filed and may be enforced as against such person or municipality in the same manner as the order provided for in subsection 2.

R.S.O. 1950,
c. 197,
s. 107b
(1951, c. 43,
s. 1), subs. 1,
amended

- 7.—(1) Subsection 1 of section 107b of *The Land Titles Act*, as enacted by section 1 of *The Land Titles Amendment Act*, 1951 and renumbered by section 2 of *The Land Titles Amendment Act*, 1953, is amended by striking out "Inspector" in the first line and inserting in lieu thereof "director of titles", so that the subsection shall read as follows:

SECTION 7—Subsection 1. By this amendment the director of titles may designate by direction a subdivision plan area.

Subsection 2. Self-explanatory.

SECTION 8. These sections to be repealed provide for payment of land titles fees by instalments. Because of the low maximum fee for registration in land titles and because of administration problems in collecting instalment payments, payment by instalments is to be discontinued through repeal of these sections.

SECTION 9. This amendment will permit a certificate describing land to be withdrawn from land titles to be signed by the director of titles instead of the Inspector of Legal Offices.

SECTION 10. In the past forms have been prepared by the master. The section directing the Inspector of Legal Offices to prepare forms is to be repealed.

SECTION 11—Subsection 1. This amendment will permit rules to be made respecting special registers required in land titles.

Subsection 2. This amendment will permit rules to be made concerning the duties of the director of titles.

SECTION 12. This amendment will provide for appeal from the decision of the director of titles.

- (1) The director of titles may by direction designate any area as a subdivision plan area and thereafter no transfer of the land in the area shall be entered for registration. Designation of sub-division plan areas
- (2) Subsection 2 of the said section 107*b* is amended by striking out "Inspector" in the fourth line and inserting in lieu thereof "director of titles", so that the subsection shall read as follows: R.S.O. 1950, c. 197, s. 107*b* (1951, c. 43, s. 1), subs. 2, amended
- (2) The direction shall be entered against each parcel of land affected thereby and such direction may be deleted from the parcel register upon the application of the director of titles. Entry of direction on register
- 8.** Subsections 11, 12, 13, 14, 15 and 16 of section 127 of *The Land Titles Act* are repealed. R.S.O. 1950, c. 197, s. 127, subs. 11-16, repealed
- 9.** Subsection 3 of section 133 of *The Land Titles Act* is amended by striking out "Inspector" in the third line and inserting in lieu thereof "director of titles", so that the subsection shall read as follows: R.S.O. 1950, c. 197, s. 133, subs. 3, amended
- (3) The certificate of a local master under this section shall not be valid unless approved and countersigned by the director of titles. Certificate to be countersigned by director of titles
- 10.** Section 135 of *The Land Titles Act* is repealed. R.S.O. 1950, c. 197, s. 135, repealed
- 11.**—(1) Subsection 1 of section 142 of *The Land Titles Act* is amended by adding thereto the following clause: R.S.O. 1950, c. 197, s. 142, subs. 1, amended
- (aa) the mode in which a companies register, a power of attorney register, the Department of Highways register or any other special register is to be made and kept.
- (2) Clause *d* of subsection 1 of the said section 142 is amended by inserting after "titles" in the second line "the director of titles", so that the clause shall read as follows: R.S.O. 1950, c. 197, s. 142, subs. 1, cl. d, amended
- (d) the duties which are to be performed by the master of titles, the director of titles, the local masters and other officers employed, and what acts of the master may be done by other officers.
- 12.** Section 144 of *The Land Titles Act* is amended by inserting after "titles" in the second line "the director of titles", so that the section shall read as follows: R.S.O. 1950, c. 197, s. 144, amended

Appeals

144. Except as provided by section 113 an appeal shall lie from any act, order or decision of the master of titles, the director of titles or a local master of titles under this Act to a judge of the High Court and from him to the Court of Appeal.

R.S.O. 1950,
c. 197, s. 148,
amended

13. Section 148 of *The Land Titles Act* is amended by inserting after "titles" where it occurs the first time in the first line "the director of titles", so that the section shall read as follows:

Security

148. Before the master of titles, the director of titles or a local master of titles enters upon the duties of his office he shall furnish security in accordance with *The Public Officers Act*.

R.S.O. 1950,
c. 311

R.S.O. 1950,
c. 197, s. 157,
subs. 1,
amended

- 14.—(1) Subsection 1 of section 157 of *The Land Titles Act* is amended by striking out "Inspector" where it occurs in the second, fourth and eighth lines respectively and inserting in lieu thereof "the director of titles", so that the subsection shall read as follows:

Request of
master or
director
of titles
for docu-
ments

- (1) Where upon an application for first registration the master of titles or the director of titles requires to examine any instruments registered in a registry office situate outside of the City of Toronto, the master or the director of titles may request the registrar of the registry division in which the land lies to transmit any instrument appearing on the abstract or required in connection with the application which the master or the director of titles desires to examine.

R.S.O. 1950,
c. 197, s. 157,
subs. 3,
amended

- (2) Subsection 3 of the said section 157 is amended by striking out "Inspector" in the first line and inserting in lieu thereof "the director of titles", so that the subsection shall read as follows:

Documents
to be
returned

- (3) The master or the director of titles shall return the documents as soon as practicable by registered post or by express, sending therewith to the registrar a list of all the documents so returned and keeping a copy of the list.

R.S.O. 1950,
c. 197, s. 158,
amended

15. Section 158 of *The Land Titles Act* is amended by striking out "master" in the sixth line and inserting in lieu thereof "director", so that the section shall read as follows:

Submission
of case to
director of
titles at
Toronto
where local
master in
doubt

158. If, on the application for the registration of an instrument after a first registration or for the registration of a transmission, the local master of titles is unable

SECTION 13. This amendment will compel the director of titles to furnish security before assuming office.

SECTION 14—Subsection 1. This amendment will permit the director of titles instead of the Inspector of Legal Offices to request documents from a registry office on an application for registration of land in land titles.

Subsection 2. Self-explanatory.

SECTION 15. This amendment will permit local masters to submit cases to the director of titles when there is doubt in certain matters of registration.

SECTION 16. This amendment will provide for the supervisory jurisdiction of the director of titles and permit him to determine all matters relating to the title of land.

SECTION 17. This re-enactment sets out in more specific language the powers and duties of the Inspector of Legal Offices concerning land titles.

to come to a clear conclusion as to the action which he should take he shall delay making the required entry until he has stated the facts to the director of titles at Toronto for his opinion, and in submitting the case the local master shall state his own view and his reasons therefor.

16. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 197,
amended

DIRECTOR OF TITLES

158a.—(1) The director of titles shall supervise and determine all matters relating to the titles of land to which this Act applies. Director
of titles

(2) In addition to the duties prescribed by subsection 1, the director of titles shall perform such duties as are prescribed by the rules. Idem

17. Section 159 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 197, s. 159,
re-enacted

159. Subject to this Act and to the rules, the Inspector has under this Act similar powers and duties as he has under section 119 of *The Registry Act*, other than clause *h* thereof, and such other duties as he may be required to perform by the Lieutenant-Governor in Council. Duties of
Inspector
R.S.O. 1950,
c. 336

18. This Act may be cited as *The Land Titles Amendment Act, 1956*. Short title

BILL

An Act to amend
The Land Titles Act

1st Reading

February 7th, 1956

2nd Reading

3rd Reading

MR. ROBERTS

No. 65

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act to amend The Land Titles Act

MR. ROBERTS

(Reprinted as amended by the Committee on Legal Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. This re-enactment will provide for the appointment of a senior deputy master as well as a deputy master to cope with the volume of business now being done.

SECTION 2. This amendment will provide for the new post of the director of titles whose duties are of a supervisory nature. See section 16 of this Bill. There is also provision for the appointment of a deputy director of titles.

No. 65

1956

BILL

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 4 of *The Land Titles Act* R.S.O. 1950, c. 197, s. 4, subss. 2, 3, re-enacted are repealed and the following substituted therefor:

(2) The Lieutenant-Governor in Council may appoint Senior deputy master of titles a person, being a barrister or solicitor of not less than five years standing, to be the senior deputy of the master of titles, and the person so appointed shall act under the supervision of the master or shall act as master in the absence of the master, and when acting in the absence of the master shall have all the powers of the master.

(3) The Lieutenant-Governor in Council may appoint a Deputy master of titles deputy of the master of titles and the person so appointed shall act under the supervision of the master or the senior deputy master or shall act as master in the absence of the master and the senior deputy master, and when acting in the absence of the master and the senior deputy master shall have all the powers of the master.

(4) When the master dies or resigns, the senior deputy Death or resignation of master master shall act as master until a master is appointed.

2. *The Land Titles Act* is amended by adding thereto the R.S.O. 1950, c. 197, amended following section:

4a.—(1) The Lieutenant-Governor in Council may Director of titles appoint a barrister or solicitor of not less than ten years standing to be the director of titles.

(2) The Lieutenant-Governor in Council may appoint Deputy director of titles a barrister or solicitor of not less than five years standing to be the deputy of the director of titles,

and the person so appointed shall act under the supervision of the director or shall act as director in the absence of the director, and when acting as director in the absence of the director shall have all the powers of the director.

Death or
resignation
of director
of titles

- (3) When the director of titles dies or resigns, the deputy director of titles shall act as director until a director is appointed.

R.S.O. 1950,
c. 197, s. 45,
re-enacted

3. Section 45 of *The Land Titles Act* is repealed and the following substituted therefor:

Claim that
land is
free from
dower

- 45.—(1) Where a person claims that registered land is free from dower and no instrument can be produced and registered showing release of dower by the wife of the registered owner, the proper master of titles may, upon satisfactory evidence produced before him, give notice to the wife to support her claim to dower in the registered land within thirty days.

Wife barred
after failure
to claim
dower

- (2) If the wife of the registered owner fails to claim her dower within the thirty days, the proper master of titles may enter on the register a memorandum that the land is free from dower, and this entry shall be a bar to any claim for dower by the wife.

Dower claim
decided by
master

- (3) If the wife of the registered owner claims her right to dower within the thirty days, the proper master of titles may hear and determine her claim.

Interpre-
tation

- (4) In this section, "wife of the registered owner" includes the widow of a former owner.

R.S.O. 1950,
c. 197, s. 67,
re-enacted

4. Section 67 of *The Land Titles Act* is repealed and the following substituted therefor:

Notice of
sale under
execution
of registered
land

- 67.—(1) Where registered freehold or leasehold land is sold under execution or other process, the proper master of titles, upon receiving the transfer from the sheriff or other officer with proof of due execution, shall cause a notice to be given to the person whose interest has been sold.

When
purchaser
registered
as owner

- (2) If no claim is made against the land within fourteen days from the giving of the notice, the proper master of titles shall register the purchaser as owner.

Master
determines
claims

- (3) If a claim is made against the land within the fourteen days from the giving of the notice, the proper master of titles shall hear and determine the claim.

SECTION 3. This re-enactment will provide a definite period within which a wife can claim her dower and will permit the proper master of titles to hear and determine such a claim.

SECTION 4. This re-enactment will permit the proper master of titles to hear and determine any claim made against land sold under execution or other process.

SECTION 5. This re-enactment will permit the proper master of titles to delete from the register conditions, provisos and reservations in letters patent which are void by statute.

SECTION 6. This amendment will permit the director of titles to apply in certain cases for an order for registration of a plan and contribution to the cost of the plan.

5. Section 96 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 197, s. 96,
re-enacted

- 96.—(1) Upon receiving a certificate of the Minister of Lands and Forests or the Deputy Minister of Lands and Forests that a reservation of any class or kind of tree in letters patent to registered land is void by statute, the proper master of titles shall delete the reservation from the register without application therefor. Deletion of
reservation
of trees
in letters
patent from
register
- (2) Upon receiving a certificate of the Minister of Mines or the Deputy Minister of Mines that a reservation of mines and minerals in letters patent to registered land issued before the 6th day of May, 1913, is void by statute, the proper master of titles shall delete the reservation from the register without application therefor. Deletion of
reservation
of mines
and minerals
in letters
patent from
register
- (3) Upon receiving a certificate of the Minister of Lands and Forests or the Deputy Minister of Lands and Forests that a condition, proviso or reservation in letters patent to registered land, other than a reservation of any class or kind of tree or of mines and minerals, is void by statute, the proper master of titles shall delete the condition, proviso or reservation from the register without application therefor. Deletion
of other
reservation
in letters
patent from
register
- (4) When an owner or former owner has attempted to transfer, charge or otherwise convey any mines or minerals reserved in letters patent to registered land issued before the 6th day of May, 1913, upon receiving a certificate of the Minister of Mines or Deputy Minister of Mines that the reservation in the letters patent is void by statute, the proper master of titles shall make all proper entries to define the interests of those appearing to be entitled to the mines or minerals. Transfer,
charge, etc.,
of mines
and minerals
reserved
- (5) No claim shall be sustained against the Assurance Fund respecting any right arising from any conveyance of mines or minerals reserved in letters patent issued before the 6th day of May, 1913. Claims
against
Assurance
Fund

6.—(1) Subsection 1 of section 107a of *The Land Titles Act*, as enacted by section 2 of *The Land Titles Amendment Act, 1953*, is amended by striking out "Inspector" in the tenth line and inserting in lieu thereof "director of titles", so that the subsection shall read as follows: R.S.O. 1950,
c. 197,
s. 107a
(1953, c. 54,
s. 2), subss. 1,
amended

Power of
judge of
county court
to order
plans to
be filed

- (1) Where any land has been sold or conveyed in lots or parcels by metes and bounds, or in any other manner without a plan having been registered under this or any other Act showing such subdivisions, or where parts of lots shown by a registered plan have been sold or conveyed, and the lots or parcels so sold or conveyed are not distinguished by numbers or letters, a judge of the county or district court of the county or district in which the land is situate, on the application of the director of titles, after such notice as the judge may deem reasonable, may make an order directing the proper master of titles to have the same, or any part thereof, laid out into lots or parcels in such manner and numbered as the judge thinks fit, and a plan or plans thereof to be made in accordance with the records in the land titles office, or from actual survey, as may be found necessary, and registered in accordance with the provisions of this Act, and the order of the judge shall be endorsed on or attached to the plan and signed by him.

R.S.O. 1950,
c. 197,
s. 107a
(1953, c. 54,
s. 2), subs. 5,
amended

- (2) Subsection 5 of the said section 107a is amended by striking out "Inspector" in the second line and inserting in lieu thereof "director of titles", so that the subsection shall read as follows:

Contribution
by Crown to
cost of plan

- (5) Where land is proposed to be subdivided by plan under this section, the director of titles may cause the Attorney-General to be notified of the application, and the Attorney-General, on behalf of the Crown, may either submit that the Crown shall pay or contribute such part of the costs and expenses mentioned in subsection 2 as the judge may determine to be reasonable, or the Attorney-General may consent, on behalf of the Crown, that the Crown shall pay and contribute a definite part of such costs and expenses, and in either of such cases the judge may direct by what person or municipality the remainder of such costs and expenses shall be borne, and any such order may be entered and filed and may be enforced as against such person or municipality in the same manner as the order provided for in subsection 2.

R.S.O. 1950,
c. 197,
s. 107b
(1951, c. 43,
s. 1), subs. 1,
amended

- 7.—(1) Subsection 1 of section 107b of *The Land Titles Act*, as enacted by section 1 of *The Land Titles Amendment Act, 1951* and renumbered by section 2 of *The Land Titles Amendment Act, 1953*, is amended by striking out "Inspector" in the first line and inserting in lieu thereof "director of titles", so that the subsection shall read as follows:

SECTION 7—Subsection 1. By this amendment the director of titles may designate by direction a subdivision plan area.

Subsection 2. Self-explanatory.

SECTION 8. These sections to be repealed provide for payment of land titles fees by instalments. Because of the low maximum fee for registration in land titles and because of administration problems in collecting instalment payments, payment by instalments is to be discontinued through repeal of these sections.

SECTION 9. This amendment will permit a certificate describing land to be withdrawn from land titles to be signed by the director of titles instead of the Inspector of Legal Offices.

SECTION 10. In the past forms have been prepared by the master. The section directing the Inspector of Legal Offices to prepare forms is to be repealed.

SECTION 11—Subsection 1. This amendment will permit rules to be made respecting special registers required in land titles.

Subsection 2. This amendment will permit rules to be made concerning the duties of the director of titles.

SECTION 12. This amendment will provide for appeal from the decision of the director of titles.

- (1) The director of titles may by direction designate any area as a subdivision plan area and thereafter no transfer of the land in the area shall be entered for registration. Designation of sub-division plan areas
- (2) Subsection 2 of the said section 107*b* is amended by striking out "Inspector" in the fourth line and inserting in lieu thereof "director of titles", so that the subsection shall read as follows: R.S.O. 1950, c. 197, s. 107*b* (1951, c. 43, s. 1), subs. 2, amended
- (2) The direction shall be entered against each parcel of land affected thereby and such direction may be deleted from the parcel register upon the application of the director of titles. Entry of direction on register
- 8.** Subsections 11, 12, 13, 14, 15 and 16 of section 127 of *The Land Titles Act* are repealed. R.S.O. 1950, c. 197, s. 127, subss. 11-16, repealed
- 9.** Subsection 3 of section 133 of *The Land Titles Act* is amended by striking out "Inspector" in the third line and inserting in lieu thereof "director of titles", so that the subsection shall read as follows: R.S.O. 1950, c. 197, s. 133, subs. 3, amended
- (3) The certificate of a local master under this section shall not be valid unless approved and countersigned by the director of titles. Certificate to be countersigned by director of titles
- 10.** Section 135 of *The Land Titles Act* is repealed. R.S.O. 1950, c. 197, s. 135, repealed
- 11.—**(1) Subsection 1 of section 142 of *The Land Titles Act* is amended by adding thereto the following clause: R.S.O. 1950, c. 197, s. 142, subs. 1, amended
- (*aa*) the mode in which a companies register, a power of attorney register, the Department of Highways register or any other special register is to be made and kept.
- (2) Clause *d* of subsection 1 of the said section 142 is amended by inserting after "titles" in the second line "the director of titles", so that the clause shall read as follows: R.S.O. 1950, c. 197, s. 142, subs. 1, cl. *d*, amended
- (*d*) the duties which are to be performed by the master of titles, the director of titles, the local masters and other officers employed, and what acts of the master may be done by other officers.
- 12.** Section 144 of *The Land Titles Act* is amended by inserting after "titles" in the second line "the director of titles", so that the section shall read as follows: R.S.O. 1950, c. 197, s. 144, amended

Appeals

144. Except as provided by section 113 an appeal shall lie from any act, order or decision of the master of titles, the director of titles or a local master of titles under this Act to a judge of the High Court and from him to the Court of Appeal.

R.S.O. 1950,
c. 197, s. 148,
amended

- 13.** Section 148 of *The Land Titles Act* is amended by inserting after "titles" where it occurs the first time in the first line "the director of titles", so that the section shall read as follows:

Security

148. Before the master of titles, the director of titles or a local master of titles enters upon the duties of his office he shall furnish security in accordance with *The Public Officers Act*.

R.S.O. 1950,
c. 311

R.S.O. 1950,
c. 197, s. 157,
subs. 1,
amended

- 14.—**(1) Subsection 1 of section 157 of *The Land Titles Act* is amended by striking out "Inspector" where it occurs in the second, fourth and eighth lines respectively and inserting in lieu thereof "the director of titles", so that the subsection shall read as follows:

Request of
master or
director
of titles
for docu-
ments

- (1) Where upon an application for first registration the master of titles or the director of titles requires to examine any instruments registered in a registry office situate outside of the City of Toronto, the master or the director of titles may request the registrar of the registry division in which the land lies to transmit any instrument appearing on the abstract or required in connection with the application which the master or the director of titles desires to examine.

R.S.O. 1950,
c. 197, s. 157,
subs. 3,
amended

- (2) Subsection 3 of the said section 157 is amended by striking out "Inspector" in the first line and inserting in lieu thereof "the director of titles", so that the subsection shall read as follows:

Documents
to be
returned

- (3) The master or the director of titles shall return the documents as soon as practicable by registered post or by express, sending therewith to the registrar a list of all the documents so returned and keeping a copy of the list.

R.S.O. 1950,
c. 197, s. 158,
amended

- 15.** Section 158 of *The Land Titles Act* is amended by striking out "master" in the sixth line and inserting in lieu thereof "director", so that the section shall read as follows:

Submission
of case to
director of
titles at
Toronto
where local
master in
doubt

158. If, on the application for the registration of an instrument after a first registration or for the registration of a transmission, the local master of titles is unable

SECTION 13. This amendment will compel the director of titles to furnish security before assuming office.

SECTION 14—Subsection 1. This amendment will permit the director of titles instead of the Inspector of Legal Offices to request documents from a registry office on an application for registration of land in land titles.

Subsection 2. Self-explanatory.

SECTION 15. This amendment will permit local masters to submit cases to the director of titles when there is doubt in certain matters of registration.

SECTION 16. This amendment will provide for the supervisory jurisdiction of the director of titles and permit him to determine all matters relating to the title of land.

SECTION 17. This re-enactment sets out in more specific language the powers and duties of the Inspector of Legal Offices concerning land titles.

to come to a clear conclusion as to the action which he should take he shall delay making the required entry until he has stated the facts to the director of titles at Toronto for his opinion, and in submitting the case the local master shall state his own view and his reasons therefor.

16. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 197,
amended

DIRECTOR OF TITLES

158a.—(1) The director of titles shall supervise and determine all matters relating to the titles of land to which this Act applies. Director
of titles

(2) In addition to the duties prescribed by subsection 1, Idem
the director of titles shall perform such duties as are prescribed by the rules.

17. Section 159 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 197, s. 159,
re-enacted

159. Subject to this Act and to the rules, the Inspector has under this Act similar powers and duties as he has under section 119 of *The Registry Act*, other than clause *h* thereof, and such other duties as he may be required to perform by the Lieutenant-Governor in Council. Duties of
Inspector
R.S.O. 1950,
c. 336

18. This Act may be cited as *The Land Titles Amendment Act, 1956*. Short title

BILL

An Act to amend
The Land Titles Act

1st Reading

February 7th, 1956

2nd Reading

February 13th, 1956

3rd Reading

MR. ROBERTS

(Reprinted as amended by the
Committee on Legal Bills)

No. 65

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Land Titles Act

Mr. ROBERTS

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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No. 65

1956

BILL

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 4 of *The Land Titles Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 197, s. 4,
subss. 2, 3,
re-enacted

(2) The Lieutenant-Governor in Council may appoint a person, being a barrister or solicitor of not less than five years standing, to be the senior deputy of the master of titles, and the person so appointed shall act under the supervision of the master or shall act as master in the absence of the master, and when acting in the absence of the master shall have all the powers of the master.

Senior
deputy
master of
titles

(3) The Lieutenant-Governor in Council may appoint a deputy of the master of titles and the person so appointed shall act under the supervision of the master or the senior deputy master or shall act as master in the absence of the master and the senior deputy master, and when acting in the absence of the master and the senior deputy master shall have all the powers of the master.

Deputy
master
of titles

(4) When the master dies or resigns, the senior deputy master shall act as master until a master is appointed.

Death or
resignation
of master

2. *The Land Titles Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 197,
amended

4a.—(1) The Lieutenant-Governor in Council may appoint a barrister or solicitor of not less than ten years standing to be the director of titles.

Director
of titles

(2) The Lieutenant-Governor in Council may appoint a barrister or solicitor of not less than five years standing to be the deputy of the director of titles,

Deputy
director
of titles

and the person so appointed shall act under the supervision of the director or shall act as director in the absence of the director, and when acting as director in the absence of the director shall have all the powers of the director.

Death or
resignation
of director
of titles

- (3) When the director of titles dies or resigns, the deputy director of titles shall act as director until a director is appointed.

R.S.O. 1950,
c. 197, s. 45,
re-enacted

3. Section 45 of *The Land Titles Act* is repealed and the following substituted therefor:

Claim that
land is
free from
dower

- 45.—(1) Where a person claims that registered land is free from dower and no instrument can be produced and registered showing release of dower by the wife of the registered owner, the proper master of titles may, upon satisfactory evidence produced before him, give notice to the wife to support her claim to dower in the registered land within thirty days.

Wife barred
after failure
to claim
dower

- (2) If the wife of the registered owner fails to claim her dower within the thirty days, the proper master of titles may enter on the register a memorandum that the land is free from dower, and this entry shall be a bar to any claim for dower by the wife.

Dower claim
decided by
master

- (3) If the wife of the registered owner claims her right to dower within the thirty days, the proper master of titles may hear and determine her claim.

Interpre-
tation

- (4) In this section, "wife of the registered owner" includes the widow of a former owner.

R.S.O. 1950,
c. 197, s. 67,
re-enacted

4. Section 67 of *The Land Titles Act* is repealed and the following substituted therefor:

Notice of
sale under
execution
of registered
land

- 67.—(1) Where registered freehold or leasehold land is sold under execution or other process, the proper master of titles, upon receiving the transfer from the sheriff or other officer with proof of due execution, shall cause a notice to be given to the person whose interest has been sold.

When
purchaser
registered
as owner

- (2) If no claim is made against the land within fourteen days from the giving of the notice, the proper master of titles shall register the purchaser as owner.

Master
determines
claims

- (3) If a claim is made against the land within the fourteen days from the giving of the notice, the proper master of titles shall hear and determine the claim.

5. Section 96 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 197, s. 96,
re-enacted

- 96.—(1) Upon receiving a certificate of the Minister of Lands and Forests or the Deputy Minister of Lands and Forests that a reservation of any class or kind of tree in letters patent to registered land is void by statute, the proper master of titles shall delete the reservation from the register without application therefor. Deletion of
reservation
of trees
in letters
patent from
register
- (2) Upon receiving a certificate of the Minister of Mines or the Deputy Minister of Mines that a reservation of mines and minerals in letters patent to registered land issued before the 6th day of May, 1913, is void by statute, the proper master of titles shall delete the reservation from the register without application therefor. Deletion of
reservation
of mines
and minerals
in letters
patent from
register
- (3) Upon receiving a certificate of the Minister of Lands and Forests or the Deputy Minister of Lands and Forests that a condition, proviso or reservation in letters patent to registered land, other than a reservation of any class or kind of tree or of mines and minerals, is void by statute, the proper master of titles shall delete the condition, proviso or reservation from the register without application therefor. Deletion
of other
reservation
in letters
patent from
register
- (4) When an owner or former owner has attempted to transfer, charge or otherwise convey any mines or minerals reserved in letters patent to registered land issued before the 6th day of May, 1913, upon receiving a certificate of the Minister of Mines or Deputy Minister of Mines that the reservation in the letters patent is void by statute, the proper master of titles shall make all proper entries to define the interests of those appearing to be entitled to the mines or minerals. Transfer,
charge, etc.,
of mines
and minerals
reserved
- (5) No claim shall be sustained against the Assurance Fund respecting any right arising from any conveyance of mines or minerals reserved in letters patent issued before the 6th day of May, 1913. Claims
against
Assurance
Fund

6.—(1) Subsection 1 of section 107a of *The Land Titles Act*, as enacted by section 2 of *The Land Titles Amendment Act, 1953*, is amended by striking out "Inspector" in the tenth line and inserting in lieu thereof "director of titles", so that the subsection shall read as follows: R.S.O. 1950,
c. 197,
s. 107a
(1953, c. 54,
s. 2), subs. 1,
amended

Power of
judge of
county court
to order
plans to
be filed

- (1) Where any land has been sold or conveyed in lots or parcels by metes and bounds, or in any other manner without a plan having been registered under this or any other Act showing such subdivisions, or where parts of lots shown by a registered plan have been sold or conveyed, and the lots or parcels so sold or conveyed are not distinguished by numbers or letters, a judge of the county or district court of the county or district in which the land is situate, on the application of the director of titles, after such notice as the judge may deem reasonable, may make an order directing the proper master of titles to have the same, or any part thereof, laid out into lots or parcels in such manner and numbered as the judge thinks fit, and a plan or plans thereof to be made in accordance with the records in the land titles office, or from actual survey, as may be found necessary, and registered in accordance with the provisions of this Act, and the order of the judge shall be endorsed on or attached to the plan and signed by him.

R.S.O. 1950,
c. 197,
s. 107a
(1953, c. 54,
s. 2), subs. 5,
amended

- (2) Subsection 5 of the said section 107a is amended by striking out "Inspector" in the second line and inserting in lieu thereof "director of titles", so that the subsection shall read as follows:

Contribution
by Crown to
cost of plan

- (5) Where land is proposed to be subdivided by plan under this section, the director of titles may cause the Attorney-General to be notified of the application, and the Attorney-General, on behalf of the Crown, may either submit that the Crown shall pay or contribute such part of the costs and expenses mentioned in subsection 2 as the judge may determine to be reasonable, or the Attorney-General may consent, on behalf of the Crown, that the Crown shall pay and contribute a definite part of such costs and expenses, and in either of such cases the judge may direct by what person or municipality the remainder of such costs and expenses shall be borne, and any such order may be entered and filed and may be enforced as against such person or municipality in the same manner as the order provided for in subsection 2.

R.S.O. 1950,
c. 197,
s. 107b
(1951, c. 43,
s. 1), subs. 1,
amended

- 7.—(1) Subsection 1 of section 107b of *The Land Titles Act*, as enacted by section 1 of *The Land Titles Amendment Act, 1951* and renumbered by section 2 of *The Land Titles Amendment Act, 1953*, is amended by striking out "Inspector" in the first line and inserting in lieu thereof "director of titles", so that the subsection shall read as follows:

- (1) The director of titles may by direction designate any area as a subdivision plan area and thereafter no transfer of the land in the area shall be entered for registration. Designation of sub-division plan areas

(2) Subsection 2 of the said section 107*b* is amended by striking out "Inspector" in the fourth line and inserting in lieu thereof "director of titles", so that the subsection shall read as follows: R.S.O. 1950, c. 197, s. 107*b* (1951, c. 43, s. 1), subs. 2, amended

- (2) The direction shall be entered against each parcel of land affected thereby and such direction may be deleted from the parcel register upon the application of the director of titles. Entry of direction on register

8. Subsections 11, 12, 13, 14, 15 and 16 of section 127 of *The Land Titles Act* are repealed. R.S.O. 1950, c. 197, s. 127, subss. 11-16, repealed

9. Subsection 3 of section 133 of *The Land Titles Act* is amended by striking out "Inspector" in the third line and inserting in lieu thereof "director of titles", so that the subsection shall read as follows: R.S.O. 1950, c. 197, s. 133, subs. 3, amended

- (3) The certificate of a local master under this section shall not be valid unless approved and countersigned by the director of titles. Certificate to be countersigned by director of titles

10. Section 135 of *The Land Titles Act* is repealed. R.S.O. 1950, c. 197, s. 135, repealed

11.—(1) Subsection 1 of section 142 of *The Land Titles Act* is amended by adding thereto the following clause: R.S.O. 1950, c. 197, s. 142, subs. 1, amended

- (aa) the mode in which a companies register, a power of attorney register, the Department of Highways register or any other special register is to be made and kept.

(2) Clause *d* of subsection 1 of the said section 142 is amended by inserting after "titles" in the second line "the director of titles", so that the clause shall read as follows: R.S.O. 1950, c. 197, s. 142, subs. 1, cl. *d*, amended

- (*d*) the duties which are to be performed by the master of titles, the director of titles, the local masters and other officers employed, and what acts of the master may be done by other officers.

12. Section 144 of *The Land Titles Act* is amended by inserting after "titles" in the second line "the director of titles", so that the section shall read as follows: R.S.O. 1950, c. 197, s. 144, amended

Appeals

144. Except as provided by section 113 an appeal shall lie from any act, order or decision of the master of titles, the director of titles or a local master of titles under this Act to a judge of the High Court and from him to the Court of Appeal.

R.S.O. 1950,
c. 197, s. 148,
amended

- 13.** Section 148 of *The Land Titles Act* is amended by inserting after "titles" where it occurs the first time in the first line "the director of titles", so that the section shall read as follows:

Security

148. Before the master of titles, the director of titles or a local master of titles enters upon the duties of his office he shall furnish security in accordance with *The Public Officers Act*.

R.S.O. 1950,
c. 311

R.S.O. 1950,
c. 197, s. 157,
subs. 1,
amended

- 14.—(1)** Subsection 1 of section 157 of *The Land Titles Act* is amended by striking out "Inspector" where it occurs in the second, fourth and eighth lines respectively and inserting in lieu thereof "the director of titles", so that the subsection shall read as follows:

Request of master or director of titles for documents

- (1) Where upon an application for first registration the master of titles or the director of titles requires to examine any instruments registered in a registry office situate outside of the City of Toronto, the master or the director of titles may request the registrar of the registry division in which the land lies to transmit any instrument appearing on the abstract or required in connection with the application which the master or the director of titles desires to examine.

R.S.O. 1950,
c. 197, s. 157,
subs. 3,
amended

- (2) Subsection 3 of the said section 157 is amended by striking out "Inspector" in the first line and inserting in lieu thereof "the director of titles", so that the subsection shall read as follows:

Documents to be returned

- (3) The master or the director of titles shall return the documents as soon as practicable by registered post or by express, sending therewith to the registrar a list of all the documents so returned and keeping a copy of the list.

R.S.O. 1950,
c. 197, s. 158,
amended

- 15.** Section 158 of *The Land Titles Act* is amended by striking out "master" in the sixth line and inserting in lieu thereof "director", so that the section shall read as follows:

Submission of case to director of titles at Toronto where local master in doubt

158. If, on the application for the registration of an instrument after a first registration or for the registration of a transmission, the local master of titles is unable

to come to a clear conclusion as to the action which he should take he shall delay making the required entry until he has stated the facts to the director of titles at Toronto for his opinion, and in submitting the case the local master shall state his own view and his reasons therefor.

16. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 197,
amended

DIRECTOR OF TITLES

158a.—(1) The director of titles shall supervise and determine all matters relating to the titles of land to which this Act applies. Director
of titles

(2) In addition to the duties prescribed by subsection 1, the director of titles shall perform such duties as are prescribed by the rules. Idem

17. Section 159 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 197, s. 159,
re-enacted

159. Subject to this Act and to the rules, the Inspector has under this Act similar powers and duties as he has under section 119 of *The Registry Act*, other than clause *h* thereof, and such other duties as he may be required to perform by the Lieutenant-Governor in Council. Duties of
Inspector
R.S.O. 1950,
c. 336

18. This Act may be cited as *The Land Titles Amendment Act, 1956*. Short title

BILL

An Act to amend
The Land Titles Act

1st Reading

February 7th, 1956

2nd Reading

February 13th, 1956

3rd Reading

March 14th, 1956

MR. ROBERTS

No. 66

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Conveyancing and Law of Property Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This bill will prevent the creation of an old form of estate in land known as fee tail which is now obsolete. Existing estates tail will be protected by having the statutory provisions formerly applying to them continue to apply. This is an effort to simplify our land law.

No. 66

1956

BILL

An Act to amend The Conveyancing and Law of Property Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Conveyancing and Law of Property Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 68,
amended

3a. A limitation in a conveyance or will which heretofore would have created an estate tail shall be construed as an estate in fee simple or the greatest estate that the grantor or testator had in the land. Estate tail
to be con-
strued as
fee simple

2.—(1) Subsection 1 of section 4 of *The Conveyancing and Law of Property Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 68, s. 4,
subs. 1,
re-enacted

(1) In a conveyance it shall not be necessary, in the limitation of an estate in fee simple, to use the word heirs. Limitation

(2) Subsection 2 of the said section 4 is amended by striking out "in tail, in tail male or in tail female, according to the limitation intended" in the second and third lines, so that the subsection shall read as follows: R.S.O. 1950,
c. 68, s. 4,
subs. 2,
amended

(2) For the purpose of such limitation it shall be sufficient in a conveyance to use the words in fee simple, or to use any other words sufficiently indicating the limitation intended. idem

3. Notwithstanding *The Estates Tail Repeal Act, 1956, The Fraudulent Conveyances Amendment Act, 1956, The Limitations Amendment Act, 1956, The Real Property Amendment Act, 1956* and *The Settled Estates Amendment Act, 1956*, the statutory provisions therein repealed continue to apply to estates tail in existence at the time this Act comes into force. Statutory
provisions
repealed
to apply
to existing
estates tail
1956, cc.
.....

4. This Act may be cited as *The Conveyancing and Law of Property Amendment Act, 1956*. Short title

BILL

An Act to amend
The Conveyancing and Law of
Property Act

1st Reading

February 7th, 1956

2nd Reading

3rd Reading

MR. ROBERTS

No. 66

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Conveyancing and Law of Property Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 66

1956

BILL

An Act to amend The Conveyancing and Law of Property Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Conveyancing and Law of Property Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 68,
amended

3a. A limitation in a conveyance or will which heretofore would have created an estate tail shall be construed as an estate in fee simple or the greatest estate that the grantor or testator had in the land. Estate tail
to be con-
strued as
fee simple

2.—(1) Subsection 1 of section 4 of *The Conveyancing and Law of Property Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 68, s. 4,
subs. 1,
re-enacted

(1) In a conveyance it shall not be necessary, in the limitation of an estate in fee simple, to use the word heirs. Limitation

(2) Subsection 2 of the said section 4 is amended by striking out "in tail, in tail male or in tail female, according to the limitation intended" in the second and third lines, so that the subsection shall read as follows: R.S.O. 1950,
c. 68, s. 4,
subs. 2,
amended

(2) For the purpose of such limitation it shall be sufficient in a conveyance to use the words in fee simple, or to use any other words sufficiently indicating the limitation intended. Idem

3. Notwithstanding *The Estates Tail Repeal Act, 1956, The Fraudulent Conveyances Amendment Act, 1956, The Limitations Amendment Act, 1956, The Real Property Amendment Act, 1956* and *The Settled Estates Amendment Act, 1956*, the statutory provisions therein repealed continue to apply to estates tail in existence at the time this Act comes into force. Statutory
provisions
repealed
to apply
to existing
estates tail
1956, cc.
19, 25, 40,
76, 84

4. This Act may be cited as *The Conveyancing and Law of Property Amendment Act, 1956*. Short title

BILL

An Act to amend
The Conveyancing and Law of
Property Act

1st Reading

February 7th, 1956

2nd Reading

February 8th, 1956

3rd Reading

March 6th, 1956

MR. ROBERTS

No. 67

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act to repeal The Estates Tail Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The Act which this bill repeals is concerned with many aspects of estates tail.

This bill is complementary to Bill No. 66—*An Act to amend The Conveyancing and Law of Property Act.*

No. 67

1956

BILL

An Act to repeal The Estates Tail Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Estates Tail Act* is repealed.

R.S.O. 1950,
c. 117,
repealed

2. This Act may be cited as *The Estates Tail Repeal Act*, Short title 1956.

BILL

An Act to repeal
The Estates Tail Act

1st Reading

February 7th, 1956

2nd Reading

3rd Reading

MR. ROBERTS

No. 67

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act to repeal The Estates Tail Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 67

1956

BILL

An Act to repeal The Estates Tail Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Estates Tail Act* is repealed. R.S.O. 1950,
c. 117,
repealed
2. This Act may be cited as *The Estates Tail Repeal Act*, Short title
1956.

BILL

An Act to repeal
The Estates Tail Act

1st Reading

February 7th, 1956

2nd Reading

February 8th, 1956

3rd Reading

March 6th, 1956

MR. ROBERTS

No. 68

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Fraudulent Conveyances Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

References to estates tail are deleted.

This bill is complementary to Bill No. 66—*An Act to amend The Conveyancing and Law of Property Act.*

No. 68

1956

BILL

An Act to amend The Fraudulent Conveyances Act

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 3 of *The Fraudulent Conveyances Act* is repealed. R.S.O. 1950,
c. 148, s. 3,
repealed
2. This Act may be cited as *The Fraudulent Conveyances* Short title
Amendment Act, 1956.

BILL

An Act to amend
The Fraudulent Conveyances Act

1st Reading

February 7th, 1956

2nd Reading

3rd Reading

MR. ROBERTS

No. 68

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Fraudulent Conveyances Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 68

1956

BILL

An Act to amend The Fraudulent Conveyances Act

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 3 of *The Fraudulent Conveyances Act* is repealed. R.S.O. 1950,
c. 148, s. 3,
repealed
2. This Act may be cited as *The Fraudulent Conveyances* Short title
Amendment Act, 1956.

BILL

An Act to amend
The Fraudulent Conveyances Act

1st Reading

February 7th, 1956

2nd Reading

February 8th, 1956

3rd Reading

March 6th, 1956

MR. ROBERTS

No. 69

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Limitations Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

References to estates tail are deleted.

This bill is complementary to Bill No. 66—*An Act to amend The Conveyancing and Law of Property Act.*

No. 69

1956

BILL

An Act to amend The Limitations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 28, 29 and 30 of *The Limitations Act* are repealed. R.S.O. 1950,
c. 207,
ss. 28-30,
repealed

2. This Act may be cited as *The Limitations Amendment Act, 1956*. Short title

BILL.

An Act to amend
The Limitations Act

1st Reading

February 7th, 1956

2nd Reading

3rd Reading

MR. ROBERTS

No. 69

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Limitations Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 69

1956

BILL

An Act to amend The Limitations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 28, 29 and 30 of *The Limitations Act* are repealed.

R.S.O. 1950,
c. 207,
ss. 28-30,
repealed

2. This Act may be cited as *The Limitations Amendment Act, 1956*.

Short title

BILL.

An Act to amend
The Limitations Act

1st Reading

February 7th, 1956

2nd Reading

February 8th, 1956

3rd Reading

March 6th, 1956

MR. ROBERTS

No. 70

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend An Act respecting Real Property

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The section which this bill repeals is concerned with estates tail.

This bill is complementary to Bill No. 66—*An Act to amend The Conveyancing and Law of Property Act.*

No. 70

1956

BILL

An Act to amend An Act respecting Real Property

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *An Act respecting Real Property*, being R.S.O. 1897, chapter 330 of the Revised Statutes of Ontario, 1897, and ^{c. 330, s. 1,} repealed contained in Appendix A to the Revised Statutes of Ontario, 1950, is repealed.

2. This Act may be cited as *The Real Property Amendment* ^{Short title} Act, 1956.

BILL

An Act to amend
An Act respecting Real Property

1st Reading

February 7th, 1956

2nd Reading

3rd Reading

MR. ROBERTS

No. 70

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend An Act respecting Real Property

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 70

1956

BILL

An Act to amend An Act respecting Real Property

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *An Act respecting Real Property*, being R.S.O. 1897, chapter 330 of the Revised Statutes of Ontario, 1897, and ^{c. 330, s. 1,} repealed contained in Appendix A to the Revised Statutes of Ontario, 1950, is repealed.

2. This Act may be cited as *The Real Property Amendment Act, 1956*. Short title

BILL

An Act to amend
An Act respecting Real Property

1st Reading

February 7th, 1956

2nd Reading

February 8th, 1956

3rd Reading

March 6th, 1956

MR. ROBERTS

No. 71

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL
An Act to amend The Settled Estates Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

References to estates tail are deleted. This bill is complementary to Bill No. 66—*An Act to amend The Conveyancing and Law of Property Act.*

No. 71

1956

BILL

An Act to amend The Settled Estates Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 1 of *The Settled Estates Act* is repealed.

R.S.O. 1950,
c. 357, s. 1,
subs. 2,
repealed

2. Subsection 1 of section 19 of *The Settled Estates Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 357, s. 19,
subs. 1,
re-enacted

- (1) Subject to the provisions of this section, every application to the court under this Act shall be made with the concurrence or consent of all those in existence having any estate or beneficial interest under the settlement and of all trustees having any estate or interest on behalf of any unborn child.

Consent to
application

3. Clauses *b*, *d* and *h* of subsection 1 of section 32 of *The Settled Estates Act* are repealed.

R.S.O. 1950,
c. 357, s. 32,
subs. 1,
cls. *b*, *d*, *h*,
repealed

4. This Act may be cited as *The Settled Estates Amendment Act, 1956*.

Short title

No. 71

BILL

An Act to amend
The Settled Estates Act

1st Reading

February 7th, 1956

2nd Reading

3rd Reading

MR. ROBERTS

No. 71

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Settled Estates Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 71

1956

BILL

An Act to amend The Settled Estates Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 1 of *The Settled Estates Act* is repealed.

R.S.O. 1950,
c. 357, s. 1,
subs. 2,
repealed

2. Subsection 1 of section 19 of *The Settled Estates Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 357, s. 19,
subs. 1,
re-enacted

(1) Subject to the provisions of this section, every application to the court under this Act shall be made with the concurrence or consent of all those in existence having any estate or beneficial interest under the settlement and of all trustees having any estate or interest on behalf of any unborn child.

Consent to
application

3. Clauses *b*, *d* and *h* of subsection 1 of section 32 of *The Settled Estates Act* are repealed.

R.S.O. 1950,
c. 357, s. 32,
subs. 1,
cls. *b*, *d*, *h*,
repealed

4. This Act may be cited as *The Settled Estates Amendment Act, 1956*.

Short title

BILL

An Act to amend
The Settled Estates Act

1st Reading

February 7th, 1956

2nd Reading

February 13th, 1956

3rd Reading

March 6th, 1956

MR. ROBERTS

No. 72

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Crown Timber Act, 1952

MR. MAPLEDORAM

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. This new section will ensure a definite supply of timber over a term of years to a mill and will also make available timber for other purposes from any particular area of public lands.

SECTION 2. Subsection 1 of section 6 of the Act now provides for surveys in licensed areas. The new subsection will provide for similar surveys in unlicensed areas.

SECTION 3. Self-explanatory.

SECTION 4. The making of a declaration must be authorized by statute before the provisions of the new *Criminal Code* respecting false declarations apply.

No. 72

1956

BILL

An Act to amend The Crown Timber Act, 1952

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Crown Timber Act, 1952* is amended by adding ^{1952, c. 15, amended} thereto the following section:

3a. The Minister, with the approval of the Lieutenant-Governor in Council, may designate any public lands ^{Crown management unit} as a Crown management unit and enter into agreement with any person for the supply of Crown timber to such person from such unit for such term of years and in such manner as he may agree upon.

2. Section 6 of *The Crown Timber Act, 1952* is amended ^{1952, c. 15, s. 6, amended} by adding thereto the following subsection:

(2) Where it appears that Crown timber has been cut ^{Idem} without the authority of a licence and there is a dispute as to the boundaries of the area of the cutting, the Minister may cause a survey to be made to establish or re-establish such boundaries, and where as a result of the survey it is established that Crown timber was cut without authority, the cost of the survey, in addition to any penalty that may be imposed, shall be borne by the person responsible for such cutting.

3. Section 12 of *The Crown Timber Act, 1952* is amended ^{1952, c. 15, s. 12, amended} by adding thereto the following subsection:

(2) Where a licensee is in default of any Crown charges, ^{Default of charges} the Minister may withhold the approval mentioned in subsection 1 until such charges are paid.

4. *The Crown Timber Act, 1952* is amended by adding ^{1952, c. 15, amended} thereto the following section:

Certificate
and declara-
tion

13a. Every person who applies to the Department for a customs clearance document relating to the export of timber shall make a written declaration respecting the timber in such form as the Minister may prescribe.

1952, c. 15,
s. 15,
amended

5. Section 15 of *The Crown Timber Act, 1952* is amended by striking out "be verified by the oath of the person who made the entries therein or by the licensee and shall" in the fifth, sixth and seventh lines, so that the section shall read as follows:

Records

15. Every licensee shall keep in connection with every cutting operation such records relating to the quantity of timber cut as may be required by the Minister and such records shall be open at all times to the inspection of any officer or agent and shall at the end of each cutting season be delivered to an officer or agent.

1952, c. 15,
s. 17,
amended

6. Section 17 of *The Crown Timber Act, 1952* is amended by inserting after "cut" in the second line "by a licensee" and by striking out "a" in the second line and inserting in lieu thereof "any", so that the section shall read as follows:

Lien for
Crown
charges

17. All Crown charges shall be a lien and charge upon timber cut by a licensee under the authority of any licence and upon any product manufactured from such timber in preference and priority to any and all other fees, charges, liens or claims whatsoever.

1952, c. 15,
s. 18, subs. 1,
cl. c, re-
enacted

7. Clause *c* of subsection 1 of section 18 of *The Crown Timber Act, 1952* is repealed and the following substituted therefor:

(c) where the officer or agent believes on reasonable grounds that Crown charges are owing by the licensee in respect of such timber or the timber from which such product was manufactured or any other timber; or

.

1952, c. 15,
s. 40, subs. 3,
amended

8. Subsection 3 of section 40 of *The Crown Timber Act, 1952* is amended by striking out "128 cubic feet of stacked wood into 85 cubic feet of solid wood" in the third and fourth lines and inserting in lieu thereof "85 cubic feet of solid wood into 128 cubic feet of stacked wood", so that the subsection shall read as follows:

Idem

(3) Where a licensee is required or permitted to measure pulpwood in cubic feet of solid wood he shall be entitled to convert 85 cubic feet of solid wood into 128 cubic feet of stacked wood.

SECTION 5. The present requirement that cutting records be verified by oath is deleted.

SECTION 6. The Crown lien for charges is extended to cover all timber of the licensee.

SECTION 7. The authority to seize timber where Crown charges are owing is broadened.

SECTION 8. The intent is clarified.

SECTION 9. The general rule is that provincial forests remain set apart for the production of timber.

The new provision, which qualifies this rule, is self-explanatory.

9. Section 44 of *The Crown Timber Act, 1952* is amended <sup>1952, c. 15,
s. 44,
amended</sup> by adding thereto the following subsection:

- (2) Notwithstanding subsection 1, the Minister may sell, ^{Idem} lease or otherwise dispose of land within a provincial forest for any purpose that is not inconsistent with the purpose of such forest, or where it is deemed expedient to establish a town site within a provincial forest, he may withdraw such land as is necessary for that purpose.

10. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

11. This Act may be cited as *The Crown Timber Amend-* ^{Short title}
ment Act, 1956.

BILL

An Act to amend
The Crown Timber Act, 1952

1st Reading

February 7th, 1956

2nd Reading

3rd Reading

MR. MAPLEDORAM

1956

No. 72

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Crown Timber Act, 1952

MR. MAPLEDORAM

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. This new section will ensure a definite supply of timber over a term of years to a mill and will also make available timber for other purposes from any particular area of public lands.

SECTION 2. Subsection 1 of section 6 of the Act now provides for surveys in licensed areas. The new subsection will provide for similar surveys in unlicensed areas.

SECTION 3. Self-explanatory.

SECTION 4. The making of an affidavit or declaration must be authorized by statute before the provisions of the new *Criminal Code* respecting false declarations apply.

No. 72

1956

BILL

An Act to amend The Crown Timber Act, 1952

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Crown Timber Act, 1952* is amended by adding ^{1952, c. 15, amended} thereto the following section:

3a. The Minister, with the approval of the Lieutenant-Governor in Council, may designate any public lands ^{Crown management unit} as a Crown management unit and enter into agreement with any person for the supply of Crown timber to such person from such unit for such term of years and in such manner as he may agree upon.

2. Section 6 of *The Crown Timber Act, 1952* is amended ^{1952, c. 15, s. 6, amended} by adding thereto the following subsection:

(2) Where it appears that Crown timber has been cut ^{Idem} without the authority of a licence and there is a dispute as to the boundaries of the area of the cutting, the Minister may cause a survey to be made to establish or re-establish such boundaries, and where as a result of the survey it is established that Crown timber was cut without authority, the cost of the survey, in addition to any penalty that may be imposed, shall be borne by the person responsible for such cutting.

3. Section 12 of *The Crown Timber Act, 1952* is amended ^{1952, c. 15, s. 12, amended} by adding thereto the following subsection:

(2) Where a licensee is in default of any Crown charges, ^{Default of charges} the Minister may withhold the approval mentioned in subsection 1 until such charges are paid.

4. *The Crown Timber Act, 1952* is amended by adding ^{1952, c. 15, amended} thereto the following section:

Certificate
and
affidavit or
declaration

- 13a. Every person who applies to the Department for a customs clearance document relating to the export of timber shall make a statement by affidavit or by solemn declaration respecting the timber in such form as the Minister may prescribe.

1952, c. 15,
s. 15,
amended

5. Section 15 of *The Crown Timber Act, 1952* is amended by striking out "be verified by the oath of the person who made the entries therein or by the licensee and shall" in the fifth, sixth and seventh lines, so that the section shall read as follows:

Records

15. Every licensee shall keep in connection with every cutting operation such records relating to the quantity of timber cut as may be required by the Minister and such records shall be open at all times to the inspection of any officer or agent and shall at the end of each cutting season be delivered to an officer or agent.

1952, c. 15,
s. 17,
amended

6. Section 17 of *The Crown Timber Act, 1952* is amended by inserting after "cut" in the second line "by a licensee" and by striking out "a" in the second line and inserting in lieu thereof "any", so that the section shall read as follows:

Lien for
Crown
charges

17. All Crown charges shall be a lien and charge upon timber cut by a licensee under the authority of any licence and upon any product manufactured from such timber in preference and priority to any and all other fees, charges, liens or claims whatsoever.

1952, c. 15,
s. 18, subs. 1,
cl. c, re-
enacted

7. Clause c of subsection 1 of section 18 of *The Crown Timber Act, 1952* is repealed and the following substituted therefor:

- (c) where the officer or agent believes on reasonable grounds that Crown charges are owing by the licensee in respect of such timber or the timber from which such product was manufactured or any other timber; or

1952, c. 15,
s. 40, subs. 3,
amended

8. Subsection 3 of section 40 of *The Crown Timber Act, 1952* is amended by striking out "128 cubic feet of stacked wood into 85 cubic feet of solid wood" in the third and fourth lines and inserting in lieu thereof "85 cubic feet of solid wood into 128 cubic feet of stacked wood", so that the subsection shall read as follows:

Idem

- (3) Where a licensee is required or permitted to measure pulpwood in cubic feet of solid wood he shall be entitled to convert 85 cubic feet of solid wood into 128 cubic feet of stacked wood.

SECTION 5. The present requirement that cutting records be verified by oath is deleted.

SECTION 6. The Crown lien for charges is extended to cover all timber of the licensee.

SECTION 7. The authority to seize timber where Crown charges are owing is broadened.

SECTION 8. The intent is clarified.

SECTION 9. The general rule is that provincial forests remain set apart for the production of timber.

The new provision, which qualifies this rule, is self-explanatory.

9. Section 44 of *The Crown Timber Act, 1952* is amended <sup>1952, c. 15,
s. 44,
amended</sup> by adding thereto the following subsection:

- (2) Notwithstanding subsection 1, the Minister may, ^{Idem} subject to the approval of the Lieutenant-Governor in Council, sell, lease or otherwise dispose of land within a provincial forest for any purpose that is not inconsistent with the purpose of such forest, or where it is deemed expedient to establish a town site within a provincial forest, he may withdraw such land as is necessary for that purpose.

10. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

11. This Act may be cited as *The Crown Timber Amend-* ^{Short title}
ment Act, 1956.

BILL

An Act to amend
The Crown Timber Act, 1952

1st Reading

February 7th, 1956

2nd Reading

February 24th, 1956

3rd Reading

MR. MAPLEDORAM

(Reprinted as amended by the
Committee of the Whole House)

No. 72

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Crown Timber Act, 1952

MR. MAPLEDORAM

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 72

1956

BILL

An Act to amend The Crown Timber Act, 1952

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Crown Timber Act, 1952* is amended by adding <sup>1952, c. 15,
amended</sup> thereto the following section:

3a. The Minister, with the approval of the Lieutenant-Governor in Council, may designate any public lands as a Crown management unit and enter into agreement with any person for the supply of Crown timber to such person from such unit for such term of years and in such manner as he may agree upon.

2. Section 6 of *The Crown Timber Act, 1952* is amended <sup>1952, c.15,
s. 6,
amended</sup> by adding thereto the following subsection:

(2) Where it appears that Crown timber has been cut ^{Idem} without the authority of a licence and there is a dispute as to the boundaries of the area of the cutting, the Minister may cause a survey to be made to establish or re-establish such boundaries, and where as a result of the survey it is established that Crown timber was cut without authority, the cost of the survey, in addition to any penalty that may be imposed, shall be borne by the person responsible for such cutting.

3. Section 12 of *The Crown Timber Act, 1952* is amended <sup>1952, c. 15,
s. 12,
amended</sup> by adding thereto the following subsection:

(2) Where a licensee is in default of any Crown charges, <sup>Default
of charges</sup> the Minister may withhold the approval mentioned in subsection 1 until such charges are paid.

4. *The Crown Timber Act, 1952* is amended by adding <sup>1952, c. 15,
amended</sup> thereto the following section:

Certificate
and
affidavit or
declaration

- 13a. Every person who applies to the Department for a customs clearance document relating to the export of timber shall make a statement by affidavit or by solemn declaration respecting the timber in such form as the Minister may prescribe.

1952, c. 15,
s. 15,
amended

5. Section 15 of *The Crown Timber Act, 1952* is amended by striking out "be verified by the oath of the person who made the entries therein or by the licensee and shall" in the fifth, sixth and seventh lines, so that the section shall read as follows:

Records

15. Every licensee shall keep in connection with every cutting operation such records relating to the quantity of timber cut as may be required by the Minister and such records shall be open at all times to the inspection of any officer or agent and shall at the end of each cutting season be delivered to an officer or agent.

1952, c. 15,
s. 17,
amended

6. Section 17 of *The Crown Timber Act, 1952* is amended by inserting after "cut" in the second line "by a licensee" and by striking out "a" in the second line and inserting in lieu thereof "any", so that the section shall read as follows:

Lien for
Crown
charges

17. All Crown charges shall be a lien and charge upon timber cut by a licensee under the authority of any licence and upon any product manufactured from such timber in preference and priority to any and all other fees, charges, liens or claims whatsoever.

1952, c. 15,
s. 18, subs. 1,
cl. c, re-
enacted

7. Clause c of subsection 1 of section 18 of *The Crown Timber Act, 1952* is repealed and the following substituted therefor:

- (c) where the officer or agent believes on reasonable grounds that Crown charges are owing by the licensee in respect of such timber or the timber from which such product was manufactured or any other timber; or

.

1952, c. 15,
s. 40, subs. 3,
amended

8. Subsection 3 of section 40 of *The Crown Timber Act, 1952* is amended by striking out "128 cubic feet of stacked wood into 85 cubic feet of solid wood" in the third and fourth lines and inserting in lieu thereof "85 cubic feet of solid wood into 128 cubic feet of stacked wood", so that the subsection shall read as follows:

Idem

- (3) Where a licensee is required or permitted to measure pulpwood in cubic feet of solid wood he shall be entitled to convert 85 cubic feet of solid wood into 128 cubic feet of stacked wood.

9. Section 44 of *The Crown Timber Act, 1952* is amended<sup>1952, c. 15,
s. 44,
amended</sup> by adding thereto the following subsection:

- (2) Notwithstanding subsection 1, the Minister may,^{Idem} subject to the approval of the Lieutenant-Governor in Council, sell, lease or otherwise dispose of land within a provincial forest for any purpose that is not inconsistent with the purpose of such forest, or where it is deemed expedient to establish a town site within a provincial forest, he may withdraw such land as is necessary for that purpose.

10. This Act comes into force on the day it receives Royal<sup>Commence-
ment</sup> Assent.

11. This Act may be cited as *The Crown Timber Amend-^{Short title}
ment Act, 1956*.

BILL

An Act to amend
The Crown Timber Act, 1952

1st Reading

February 7th, 1956

2nd Reading

February 24th, 1956

3rd Reading

March 14th, 1956

MR. MAPLEDORAM

No. 73

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Highway Improvement Act

MR. ALLAN (Haldimand-Norfolk)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The word "constructing" is inserted to bring the phraseology into line with the phraseology of the following subsection.

No. 73

1956

BILL

An Act to amend The Highway Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 17 of *The Highway Improvement Act* is amended by striking out "January" in the fourth line and inserting in lieu thereof "March", so that the subsection shall read as follows: R.S.O. 1950,
c. 166, s. 17,
subs. 1,
amended

- (1) The corporation of the county shall submit a by-law covering the estimated expenditure on roads for the calendar year to the Department for the Minister's approval, not later than the 31st day of March of the year in which the expenditure is to be made and such by-law shall include expenditures to be made by the suburban roads commission in the county. Submission
of by-law
covering
estimated
expenditure

2. Subsection 1 of section 23 of *The Highway Improvement Act* is amended by inserting after "the" where it occurs the second time in the fourth line "constructing", so that the subsection shall read as follows: R.S.O. 1950,
c. 166, s. 23,
subs. 1,
amended

- (1) Where under *The Municipal Act* the council of a county has jurisdiction over any bridge which is over 20 feet in span and is not included in the county road system, the expenditure involved in the constructing, replacing, maintaining or improving of such bridge under the supervision of the county road superintendent in accordance with plans approved by the Department shall be deemed to form part of the expenditure in carrying out the plan of highway improvement within the county, and debentures issued by the corporation of any county, since the 8th day of April, 1926, for the purpose of constructing, replacing or improving any such bridge shall be legal, valid and binding upon the corporation of the County
expenditure
may include
county
bridges
R.S.O. 1950,
c. 243

county and the ratepayers thereof notwithstanding that the by-law authorizing the issue thereof has not been submitted to and did not receive the assent of the ratepayers in accordance with *The Municipal Act*.

R.S.O. 1950,
c. 166, s. 32,
amended

3. Section 32 of *The Highway Improvement Act* is amended by striking out "required by section 17 of *The Public Works Act* to be deposited in the registry office" in the first, second and third lines and by inserting after "description" in the fifth line "in the proper registry or land titles office", so that the section shall read as follows:

Plan and
description,
filing of

32. The plan and description of the lands taken shall be signed by the warden and clerk of the county and by an Ontario land surveyor, and upon the deposit of the plan and description in the proper registry or land titles office, the land shall become and be vested in the corporation of the county.

R.S.O. 1950,
c. 166, s. 33,
re-enacted

4. Section 33 of *The Highway Improvement Act*, as amended by section 8 of *The Highway Improvement Amendment Act, 1952*, is repealed and the following substituted therefor:

Roads in
Indian
reserves and
other lands
under the
control of the
Government
of Canada

33. The Minister may arrange with the Government of Canada for the construction, improvement, maintenance and repair, under the supervision of the county road superintendent and in accordance with the requirements of the Minister, of any road in a township or portion of a township constituting an Indian reserve or of any road under the control of the Government of Canada which lies within the limits of a municipality not separated from the county for municipal purposes where the road forms an extension of or connecting link in a county road system, and the Minister may direct payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount equal to the percentage of the net expenditure made by the county under such arrangement as is provided for in section 18.

R.S.O. 1950,
c. 166, s. 35,
amended

5. Section 35 of *The Highway Improvement Act* is amended by adding thereto the following subsection:

Additional
compensa-
tion to
county road
superintend-
ent having
supervision
of sub-
urban roads

(3) Where the county engineer or road superintendent has supervision over work on suburban roads, the commission may by resolution, subject to the approval of the Minister, authorize the payment to the county engineer or road superintendent of such annual sum in addition to his salary as county engineer or road superintendent as may be deemed proper.

SECTION 3. This amendment expressly provides for registration where land is under the land titles system.

SECTION 4. The section repealed provides for an arrangement with the Indian Affairs Branch of the Department of Mines and Resources (Canada) for the construction and improvement of a connecting link of a county road system passing through an Indian Reserve. Indian affairs are now administered by the Department of Citizenship and Immigration (Canada).

As re-enacted the section is intended to overcome the difficulty caused by the transfer of responsibility from one Federal Department to another and to make the provisions applicable to a connecting link of a county road system passing through other lands under the control of the Government of Canada, for example, Welland Canal lands.

SECTION 5. A county road superintendent who acts as engineer for a suburban roads commission is required to perform additional duties and to assume additional responsibility. The re-enactment provides for extra compensation for these extra services.

SECTION 6. The amendment brings the provision into line with present administrative practices as township councils require the extra month in which to estimate their road expenditures.

SECTION 7. Indian affairs are now administered by the Department of Citizenship and Immigration (Canada). The amendment is intended to overcome the difficulty caused by the transfer of responsibility from one Federal Department to another. See also section 4 of this bill.

SECTION 8. See note to section 6. This amendment is similar.

SECTION 9. This provision is new. It provides for a system of provincial roads to be known as "Secondary Roads".

6. Subsection 2 of section 44 of *The Highway Improvement Act* is amended by striking out "28th day of February" in the fourth and fifth lines and inserting in lieu thereof "31st day of March", so that the subsection shall read as follows:

R.S.O. 1950,
c. 166, s. 44,
subs. 2,
amended

- (2) The council of the township shall submit a by-law covering the estimated expenditure on all road construction, improvement or repair for the calendar year to the Department for the approval of the Minister not later than the 31st day of March of the year in which such expenditure is to be made, and no subsidy shall be granted to any township in respect of work which has not been provided for by a by-law approved by the Minister.

Submission
of by-law
covering
estimated
expenditure

7. Subsection 3 of section 45 of *The Highway Improvement Act* is amended by striking out "Indian Affairs Branch of the Department of Mines and Resources (Canada)" in the first and second lines and inserting in lieu thereof "Government of Canada", so that the subsection shall read as follows:

R.S.O. 1950,
c. 166, s. 45,
subs. 3,
amended

- (3) The Minister may arrange with the Government of Canada that the Indian agent for an Indian reserve may act as road superintendent to supervise the construction, improvement and maintenance in accordance with the requirements of the Minister, of the roads in any township or portion of a township constituting the Indian reserve and where such arrangement has been made, the Indian Affairs Branch may make application in accordance with section 46 for the provincial subsidy authorized by this Part, and this Part shall apply *mutatis mutandis*.

Roads in
Indian
reserves

8. Section 57 of *The Highway Improvement Act* is amended by striking out "28th day of February" in the third line and inserting in lieu thereof "31st day of March", so that the section shall read as follows:

R.S.O. 1950,
c. 166, s. 57,
amended

57. The by-law shall provide for the estimated expenditure to be made in the calendar year and shall be submitted not later than the 31st day of March of that year, and no subsidy shall be granted to any city, town or village in respect of expenditure which has not been provided for by by-law approved by the Minister.

By-law to
provide for
estimated
expenditure

9. *The Highway Improvement Act* is amended by adding thereto the following section:

R.S.O. 1950,
c. 166,
amended

PART VII-A

SECONDARY ROADS

Secondary
roads

63a. The Lieutenant-Governor in Council may designate any road or portion of a road in Ontario, other than the King's Highway, as a secondary road, and thereupon the road or portion so designated shall be known as a secondary road and all the provisions of this Act and the regulations made under this Act relating to the King's Highway shall apply *mutatis mutandis* to such secondary road.

R.S.O. 1950,
c. 166, s. 66,
subs. 1,
amended

10.—(1) Subsection 1 of section 66 of *The Highway Improvement Act* is amended by inserting after "registry" in the fifth line "or land titles", by inserting after "by" where it occurs the third time in the sixth line "the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by" and by striking out "Department" in the ninth and tenth lines and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

Procedure
for acquiring
a highway

(1) Subject to the provisions of section 72, when the Minister desires to lay out a portion of the King's Highway or to acquire any existing highway under this Act, either temporarily or permanently, he shall deposit in the proper registry or land titles office a plan and description of the highway, signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor, and such highway shall thereafter become and be vested in the Crown as from such date as the Minister may determine, by notice in *The Ontario Gazette*, and the Minister shall give notice in writing thereof to each of the municipalities interested.

R.S.O. 1950,
c. 166, s. 66,
subs. 3,
amended

(2) Subsection 3 of the said section 66 is amended by striking out "a registry" in the second line and inserting in lieu thereof "the proper registry or land titles" and by striking out "may at any time" in the seventh line and inserting in lieu thereof "shall", so that the subsection shall read as follows:

Preliminary
route plan

(3) When for the purposes of this section it is deemed advisable to deposit in the proper registry or land titles office a preliminary route plan of any highway or lands acquired or to be acquired therefor by the Minister, such preliminary route plan shall be of full effect as provided by subsection 1, and shall confer

SECTION 10—Subsection 1. The first amendment expressly provides for registration where land is under the land titles system. The second amendment will expedite administration by enabling officers other than the Minister or Deputy Minister to sign plans. The third amendment is merely the substitution of a more appropriate word.

Subsection 2. The first amendment expressly provides for registration where land is under the land titles system. The second amendment makes a permissive provision mandatory.

SECTION 11. The purpose of this re-enactment is to clarify and broaden the Government's powers in situations in which an alternative highway or route has been substituted, or where a portion of a highway is no longer required for the purpose, and the like.

SECTION 12. These amendments will expressly provide for registration where the land is under the land titles system.

Power is also given (subsection 2) to enable land plans to be signed by the named departmental officials and by an Ontario Land Surveyor, thus expediting administration. See also section 10 (1) of this bill.

upon the Minister authority to acquire and take possession of the road or lands, but such plan shall thereafter be replaced by a completed plan and description of the road or lands so acquired.

11. Subsection 2 of section 71 of *The Highway Improvement Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 166, s. 71,
subs. 2,
re-enacted

(2) The Lieutenant-Governor in Council may direct that any highway or portion of a highway that is under the control of the Department may be closed and may be sold, leased or disposed of by the Minister.

Closing and
disposition
of highway

(3) The Lieutenant-Governor in Council may direct that any highway or portion of a highway that is under the control of the Department shall revert to the municipality previously liable for its maintenance and repair or be transferred to the municipality within which it is situate, and the municipality to which it so reverts or is so transferred shall be deemed to be in possession and control of it on and after the day named by the Lieutenant-Governor in Council.

Reversion
or transfer
of highway
to municip-
ality

12.—(1) Subsection 2 of section 72 of *The Highway Improvement Act* is amended by striking out "registry" in the fourth line and inserting in lieu thereof "proper registry or land titles", so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1950,
c. 166, s. 72,
subs. 2,
amended

(2) Where land has been entered upon, taken or used by the Minister under the compulsory powers conferred by this Act the Minister shall, within sixty days after the registration of the plan and description of the land in the proper registry or land titles office, give notice to the owner,

Notice as
to land
entered
upon, taken
or used

(2) Subsection 3 of the said section 72 is amended by inserting after "Deputy Minister" in the sixth line "or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor" and by inserting after "registry" in the seventh line "or land titles", so that the subsection shall read as follows:

R.S.O. 1950,
c. 166, s. 72,
subs. 3,
amended

(3) When land is to be or has been purchased or acquired by the Minister under any of the powers conferred by this Act, along or adjacent to or in the vicinity of the King's Highway, the land so acquired may be

Filing land
plan on
taking land

shown on a plan of the highway marked "Land Plan", signed by the Minister, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor and deposited in the proper registry or land titles office, and the plan shall be of full effect in establishing the ownership of the land by Ontario under this Act or *The Public Works Act*.

R.S.O. 1950,
c. 323

R.S.O. 1950, c. 166, s. 72, subs. 4, amended (3) Subsection 4 of the said section 72 is amended by inserting after "registry" in the first line "or land titles", so that the subsection shall read as follows:

Amendment
of land plan

(4) A land plan deposited in any registry or land titles office as in subsection 3 provided may be amended from time to time upon the authority of the Minister or Deputy Minister, or another or similar plan may be substituted therefor upon like authority, for the purpose of showing land or additional land purchased or acquired, or for the purpose of indicating thereon land sold or disposed of by the Minister.

R.S.O. 1950,
c. 166,
ss. 74-77,
repealed

13. Sections 74, 75, 76 and 77 of *The Highway Improvement Act* are repealed.

R.S.O. 1950,
c. 166, s. 78,
subss. 1, 2,
repealed

14.—(1) Subsections 1 and 2 of section 78 of *The Highway Improvement Act* are repealed.

R.S.O. 1950,
c. 166, s. 78,
subs. 3,
amended

(2) Subsection 3 of the said section 78 is amended by striking out "Department" where it occurs in the fifth and tenth lines respectively and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

Continuing
King's
Highway
through
city, town
or village

(3) Where it is deemed by the Minister desirable and expedient that a highway or portion thereof within a city, town or village, including any necessary bridges, should be constructed as a connecting link between portions of the King's Highway, the Minister may designate the highway or portion thereof within the city, town or village to be constructed by the city, town or village, and the council of the corporation of the city, town or village may pass by-laws for issuing, and may issue debentures under *The Municipal Act*, to be payable in such period as the Minister may approve but not exceeding twenty years from the time or times when such debentures are issued, for an amount sufficient to pay the cost of the construction of the highway and bridges within the city, town or village, but it shall not be necessary for the council to obtain the assent of the

R.S.O. 1950,
c. 243

SECTION 13. The sections repealed provide for municipal contribution to the cost of the King's Highway. As the Province has paid 100 per cent of this cost since 1935 these sections are repealed as obsolete.

SECTION 14—Subsection 1. See note to section 13 of this bill. The subsections repealed are obsolete.

Subsection 2. The substituted word is more appropriate.

Subsection 3. The provincial aid now provided by section 78 of the Act for the urban municipalities under the King's Highway connecting link agreements is extended in all cases to a maximum roadway width of 33 feet. Clauses *a*, *b* and *c* of subsection 6 are clarified to show how the provisions apply to construction and maintenance in the case of non-separated towns and villages and to construction only in the case of cities and separated towns.

Subsection 4. Under subsection 2*a* of section 58 of the Act as enacted in 1955 a non-separated town or village is entitled to a subsidy of 80 per cent on expenditure made on a bridge or culvert. This new subsection provides for payment of the same proportion of the expenditure on a bridge or culvert under a King's Highway connecting link agreement in the case of a non-separated town or village having a population of more than 2,500.

SECTION 15. The wording substituted is more appropriate.

electors to any by-law for the issue of debentures under this subsection or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

(3) Clauses *a*, *b* and *c* of subsection 6 of the said section 78, as re-enacted by subsection 2 of section 4 of *The Highway Improvement Amendment Act, 1955*, are repealed and the following substituted therefor:

R.S.O. 1950,
c. 166, s. 78,
subs. 6
(1955, c. 28,
s. 4, subs. 2),
cls. *a*, *b*, *c*,
re-enacted

- (a) in the case of a town not being a separated town or of a village having a population of not more than 2,500, a sum equal to the cost of constructing a width of roadway not less than 22 feet and not more than 33 feet and of maintaining an existing roadway up to a width not exceeding 33 feet;
- (b) in the case of a town not being a separated town or of a village having a population of more than 2,500, a sum equal to 50 per cent of the cost of constructing a width of roadway not less than 22 feet and not more than 33 feet and of maintaining an existing roadway up to a width not exceeding 33 feet; and
- (c) in the case of a city or separated town, a sum equal to 50 per cent of the cost of constructing a width of roadway not less than 22 feet and not more than 33 feet.

(4) The said section 78 is amended by adding thereto the following subsection:

R.S.O. 1950,
c. 166, s. 78,
amended

- (6a) Notwithstanding clause *b* of subsection 6, in the case of a town not being a separated town or of a village having a population of more than 2,500 where the work consists of the construction, improvement or maintenance and repair of a bridge or culvert, the agreement may provide that the proportion of the cost of the work which shall be paid out of the moneys appropriated therefor by the Legislature shall not exceed a sum equal to 80 per cent of the expenditure on such bridge or culvert which is properly chargeable to road improvement.

Proportion
of cost
payable by
Province

15.—(1) Subsection 2 of section 79 of *The Highway Improvement Act* is amended by inserting after “the” where it occurs the third time in the sixth line “Crown under the control of the”, so that the subsection shall read as follows:

R.S.O. 1950,
c. 166, s. 79,
subs. 2,
amended

- (2) Every person who uses any highway so closed to traffic or who removes or defaces any notice or obstruction placed thereon by lawful authority shall be

Penalty for
removing
notice or
barrier

guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$50 and shall also be liable for any damages or injury done to the highway or to the property of the Crown under the control of the Department occasioned by such trespass.

R.S.O. 1950,
c. 166, s. 79,
subs. 3,
amended

(2) Subsection 3 of the said section 79 is amended by inserting after "or" in the fifth line "the Minister", so that the subsection shall read as follows:

Alternative
routes
during work
on roads

(3) While the construction, repair or improvement of the King's Highway or any work authorized by this Act is in progress on the King's Highway, the Department may provide and keep in repair any reasonable alternative route for traffic, including a municipal highway, or the Minister may enter into an agreement with the council of any municipality, or may make a grant to any municipality for that purpose, and any expenditure or grant under this section shall be apportioned as a part of the cost of the work in progress on the King's Highway by reason of which the alternative route is necessary.

R.S.O. 1950,
c. 166, s. 80,
subs. 1,
amended

16.—(1) Subsection 1 of section 80 of *The Highway Improvement Act* is amended by striking out "Department" in the first line and inserting in lieu thereof "Minister" and by striking out "roadway" in the second line and inserting in lieu thereof "King's Highway", so that the subsection shall read as follows:

Minister
may exercise
powers of
municipal
corporation

(1) The Minister shall have, within the limits of any municipal corporation along the course of the King's Highway, all the powers which may be exercised by a municipal corporation authorized to lay out, maintain and construct a highway.

R.S.O. 1950,
c. 166, s. 80,
subs. 2,
amended

(2) Subsection 2 of the said section 80 is amended by striking out "Department" in the first line and inserting in lieu thereof "Minister" and by striking out "Department" in the sixth line and inserting in lieu thereof "Crown", so that the subsection shall read as follows:

Previous
rights and
agreements

(2) The Minister shall have in respect to the King's Highway, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the local or county municipality or municipalities which had jurisdiction over the road before the road was assumed by the Province, and the Crown may sue upon such rights or under such agreement or by-laws in the same manner and to

SECTION 16. The wording substituted is more appropriate.

SECTION 17. The word substituted is more appropriate.

SECTION 18. The wording substituted is more appropriate.

the same extent as the local municipality or municipalities might have done if the road had not been adopted as the King's Highway.

(3) Subsection 3 of the said section 80 is amended by striking out "Department" in the third and fifth lines respectively and inserting in lieu thereof "Minister", so that the subsection shall read as follows: R.S.O. 1950, c. 166, s. 80, subs. 3, amended

(3) Where a by-law, contract or agreement covers several roads in a municipality, including the road adopted as the King's Highway, the Minister shall be entitled to a copy of the by-law, contract or agreement from the municipality or municipalities and the Minister shall have the right to inquire into and ascertain facts concerning all such by-laws, contracts or agreements, the amounts of rents or other payments provided for in the same, the terms and conditions under which such agreements were made and any other particulars in connection with the same. Right of Minister to copies of by-laws, etc.

17. Subsection 3 of section 82 of *The Highway Improvement Act* is amended by striking out "Department" in the first line and inserting in lieu thereof "Minister", so that the subsection shall read as follows: R.S.O. 1950, c. 166, s. 82, subs. 3, amended

(3) If the company and the Minister are unable to agree on their respective shares of the cost of constructing the pavement or roadway between the rails the matter in dispute shall be determined by the Ontario Municipal Board, and the decision of the Board shall be final and conclusive and shall not be subject to any appeal. Application to Board in case of disagreement

18.—(1) Subsection 3 of section 83 of *The Highway Improvement Act* is amended by striking out "regulations of the Department and under its direction" in the fifth line and inserting in lieu thereof "conditions of a permit therefor granted under section 93", so that the subsection shall read as follows: R.S.O. 1950, c. 166, s. 83, sub. 3, amended

(3) The Department may pay a bonus not exceeding 75 cents for each elm, maple or other approved nut or ornamental tree planted by any owner of land fronting on the King's Highway and planted in accordance with the conditions of a permit therefor granted under section 93. Bonus for planting trees

(2) Subsection 4 of the said section 83, as amended by section 19 of *The Highway Improvement Amendment Act, 1952*, R.S.O. 1950, c. 166, s. 83, sub. 4, amended

is further amended by striking out "resident" in the second line and inserting in lieu thereof "district", so that the subsection shall read as follows:

Bonus

- (4) The bonus shall be chargeable to the moneys appropriated therefor by the Legislature and payable upon a certificate of the district engineer of the Department giving the name of the person entitled to the bonus, the number of trees of each species planted and the amount of the bonus to which the person is entitled and certifying that the trees have been planted for a period of three years and that they are alive, healthy and of good form.

R.S.O. 1950,
c. 166, s. 86,
subs. 3,
amended

19. Subsection 3 of section 86 of *The Highway Improvement Act* is amended by inserting after "owner" in the first line "or having the care, custody or control", so that the subsection shall read as follows:

Horses,
cattle, etc.,
on highway

- (3) Every person who, being the owner or having the care, custody or control of horses, cattle, swine or sheep, suffers or permits the same or any of them to run at large within the limits of the King's Highway shall be guilty of an offence and on summary conviction shall be liable to a penalty, for every horse found at large upon the highway, of not more than \$5; for every head of cattle found at large upon the highway, of not more than \$3; and for every hog, sheep or goat found at large upon the highway, of not more than \$1; provided that this subsection shall not create any civil liability on the part of the owner of horses, cattle, swine or sheep for damages caused to the property of others as a result of the horses, cattle, swine or sheep running at large within the limits of the King's Highway.

R.S.O. 1950,
c. 166, s. 87,
subs. 1,
amended

20.—(1) Subsection 1 of section 87 of *The Highway Improvement Act* is amended by striking out "except as to the contribution towards such maintenance and repair provided for in this Act" in the second, third and fourth lines, so that the subsection shall read as follows:

Department
to maintain
and repair

- (1) Every portion of the King's Highway shall be maintained and kept in repair by the Department, and the corporation of any municipality in which the highway is situate shall be relieved from any liability therefor, but this shall not apply to any sidewalk or municipal undertaking or work constructed or in course of construction by the corporation of any municipality, or which a municipal corporation may lawfully do or construct upon the

SECTION 19. Self-explanatory.

SECTION 20—Subsection 1. The words deleted are obsolete. See note to section 13 of this bill.

Subsections 2, 3, 4, 5, 6 and 7. The words substituted are more appropriate.

highway, and the municipal corporation shall be liable for want of repair of the sidewalk, municipal undertaking or work, whether the same be the result of nonfeasance or misfeasance, in the same manner and to the same extent as in the case of any other like work constructed by the municipal corporation.

(2) Subsection 2 of the said section 87 is amended by striking out "Department" in the second line and inserting in lieu thereof "Crown" and by striking out "Department" in the sixth line and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

R.S.O. 1950,
c. 166, s. 87,
subs. 2,
amended

(2) In case of default by the Department to keep any portion of the King's Highway in repair, the Crown shall be liable for all damages sustained by any person by reason of the default, and the amount recoverable by any person by reason of the default may be agreed upon with the Minister before or after the commencement of any action for the recovery of the damages.

Liability for
damages in
case of
default

(3) Subsection 3 of the said section 87 is amended by striking out "Department" in the first line and inserting in lieu thereof "Crown", so that the subsection shall read as follows:

R.S.O. 1950,
c. 166, s. 87,
subs. 3,
amended

(3) No action shall be brought against the Crown for the recovery of damages caused by the presence or absence or insufficiency of any wall, fence, guard rail, railing or barrier or caused by or on account of any construction, obstruction or erection or any situation, arrangement or disposition of any earth, rock, tree or other material or thing adjacent to or in, along or upon the highway lands or any part thereof not within the travelled portion of the highway.

Insufficiency
of fence, etc.

(4) Subsection 5 of the said section 87 is amended by striking out "Department" in the fourth line and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

R.S.O. 1950,
c. 166, s. 87,
subs. 5,
amended

(5) No action shall be brought for the recovery of the damages mentioned in subsection 2, unless notice in writing of the claim and of the injury complained of has been served upon or sent by registered post to the Minister within ten days after the happening of the injury.

Notice of
claim

R.S.O. 1950,
c. 166, s. 87,
subs. 6,
amended

(5) Subsection 6 of the said section 87 is amended by striking out "Department" in the fifth line and inserting in lieu thereof "Crown", so that the subsection shall read as follows:

When
failure to
give notice
not to bar
action

(6) The failure to give or the insufficiency of the notice shall not be a bar to the action, if the court or judge before whom the action is tried is of the opinion that there is reasonable excuse for the want or insufficiency of the notice and that the Crown was not thereby prejudiced in its defence.

R.S.O. 1950,
c. 166, s. 87,
subs. 8,
amended

(6) Subsection 8 of the said section 87 is amended by striking out "Department" in the first and second lines and inserting in lieu thereof "Crown", so that the subsection shall read as follows:

Style of
action

(8) In any action under this section against the Crown, the defendant may be described as "His Majesty the King in right of the Province of Ontario, represented by the Minister of Highways for the Province of Ontario", and it shall not be necessary to proceed by petition of right or to procure the fiat of the Lieutenant-Governor or the consent of the Attorney-General before commencing the action but every such action may be instituted and carried on and judgment may be given thereon in the same manner as in an action brought by a subject of His Majesty against another subject.

R.S.O. 1950,
c. 166, s. 87,
subs. 9,
amended

(7) Subsection 9 of the said section 87 is amended by striking out "Department" in the first line and inserting in lieu thereof "Crown", so that the subsection shall read as follows:

Action to be
tried with-
out jury

(9) Actions against the Crown for the recovery of the damages mentioned in subsection 2 shall be tried by a judge without the intervention of a jury, and the trial shall take place in the county in which the default occurred.

R.S.O. 1950,
c. 166, s. 90,
subs. 1,
amended

21. Subsection 1 of section 90 of *The Highway Improvement Act* is amended by striking out "Department" in the twelfth line and inserting in lieu thereof "Deputy Minister or the officer of the Department specially designated by the Deputy Minister", so that the subsection shall read as follows:

Drainage of
the King's
Highway

(1) The Deputy Minister or any officer of the Department specially designated for that purpose by the Deputy Minister may initiate and carry out pro-

SECTION 21. The amendment makes uniform the phraseology of the subsection.

SECTION 22. The word substituted is more appropriate.

SECTION 23. The words substituted are more appropriate.

ceedings under *The Ditches and Watercourses Act* for the purpose of procuring proper drainage for the King's Highway, and shall have authority to file notices and declarations as owner with the clerk of the local municipality or municipalities, or may receive notices where a private person is the initiating party, in accordance with the procedure prescribed in that Act but no drainage works shall be constructed upon the King's Highway under any Act without the consent of the Deputy Minister or the officer of the Department specially designated by the Deputy Minister.

22. Subsection 2 of section 91 of *The Highway Improvement Act* is amended by striking out "Department" in the third line and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

- (2) No such action or other proceeding shall lie in respect of any such claim unless notice in writing of the claim and of the injury complained of has been filed with the Minister within six months after the injury complained of, or in the case of a continuing injury, within one year from the time when the injury began or became known to the complainant.

23.—(1) Subsection 3 of section 92 of *The Highway Improvement Act* is amended by striking out "Department" in the first line and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

- (3) Subject to the approval of the Board, the Minister may close any county, township or other road which intersects or runs into a controlled-access highway.

(2) Subsection 4 of the said section 92 is amended by striking out "Department" in the seventh line and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

- (4) The Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such times, in such manner and to such persons as the Board may determine, and may further direct that particulars of claims in respect of land injuriously affected by the closing of the road shall be filed with the Board and the Minister within such time as the Board shall direct.

(3) Subsection 8 of the said section 92 is amended by striking out "Department" in the second and third lines and

inserting in lieu thereof "Minister" and by striking out "its" in the third line and inserting in lieu thereof "the", so that the subsection shall read as follows:

Idem

- (8) Where, at any time after making application for the approval of the Board of the closing of a road, the Minister discontinues the application or, having obtained such approval, does not proceed with the closing of the road and does not pay the compensation provided for in the order of the Board, the Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Department as it deems proper and may fix the amount of such costs.

R.S.O. 1950,
c. 166, s. 92,
subs. 9,
amended

- (4) Subsection 9 of the said section 92 is amended by striking out "Department" in the fourth line and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

Appeal

- (9) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Board approving the closing of such road, and the Minister may, upon like leave, appeal from any order of the Board made on an application under this section.

R.S.O. 1950,
c. 166, s. 93,
subs. 1,
cl. d,
amended

- 24.**—(1) Clause *d* of subsection 1 of section 93 of *The Highway Improvement Act* is amended by inserting after "erect" in the first line "maintain" and by striking out "or" where it occurs the second time in the first line and inserting in lieu thereof "glass or other tubing whether illuminated or not, or any other form of", so that the clause shall read as follows:

- (*d*) place, erect, maintain or alter any sign, notice, glass or other tubing whether illuminated or not, or any other form of advertising device, or any part thereof, other than a sign not more than two feet by one foot displaying the name of the owner or occupant of the premises to which it is affixed or the name of such premises, upon or within one-quarter mile of any limit of a controlled-access highway.

R.S.O. 1950,
c. 166, s. 93,
subs. 10,
amended

- (2) Subsection 10 of the said section 93, as amended by subsection 2 of section 5 of *The Highway Improvement Amendment Act, 1951*, is further amended by striking out "develop-

SECTION 24—Subsection 1. Clause *d*, which prohibits the doing of the things specified in the clause without a permit from the Minister, is strengthened by the added words in order to make the prohibition more effective.

Subsection 2. This amendment will make the control features with respect to controlled-access highways that are now applicable to the King's Highway applicable to secondary roads and not to development roads. This is complementary to section 9 of this bill.

SECTION 25. The word substituted is more appropriate.

SECTION 26. The words substituted are more appropriate.

SECTION 27. The words substituted are more appropriate.

ment" in the amendment of 1951 and inserting in lieu thereof "secondary", so that the subsection shall read as follows:

- (10) This section, except clauses *b*, *c* and *f* of subsection 1, shall apply *mutatis mutandis* to the other portions of the King's Highway and to secondary roads. Buildings, gas pumps, signs, etc.

25. Subsection 6 of section 98 of *The Highway Improvement Act* is amended by striking out "Department" in the first line and inserting in lieu thereof "Minister", so that the subsection shall read as follows: R.S.O. 1950, c. 166, s. 98, subs. 6, amended

- (6) Where the district engineer reports to the Minister that a highway to which this Act applies in any municipality is out of repair, the Minister may, after at least two months notice in writing to the corporation of the municipality, direct the Department to undertake the work of putting the highway in repair, and the cost of the work shall be chargeable to and shall be a debt due from the corporation of the municipality to the Crown and the Minister may direct that the cost shall be deducted from any sums of money payable to the municipality under this Act. Repair and maintenance of highway by Department on corporation's default

26. Subsection 4 of section 100 of *The Highway Improvement Act*, as amended by section 20 of *The Highway Improvement Amendment Act, 1952*, is further amended by striking out "Department" in the first and third lines respectively and inserting in lieu thereof "Minister" and by striking out "its" in the fifth line and inserting in lieu thereof "his", so that the subsection shall read as follows: R.S.O. 1950, c. 166, s. 100, subs. 4, amended

- (4) The council of a township may apply to the Minister for authority to construct a sidewalk or footpath on the King's Highway or a county road and the Minister may grant the authority, and upon completion of the work may approve thereof at his discretion, and upon the approval being given the council may make application in the form prescribed by the Minister for, and the Minister may authorize the payment to the township out of the moneys appropriated therefor by the Legislature of an amount not exceeding 50 per cent of the cost of the work. Construction of sidewalk or footpath

27. Section 105 of *The Highway Improvement Act* is amended by striking out "Department" in the fourth line and inserting in lieu thereof "Minister" and by striking out "the Minister" in the fifth line and inserting in lieu thereof "him", so that the section shall read as follows: R.S.O. 1950, c. 166, s. 105, amended

Vouchers

105. Where a subsidy is applied for by the council of any county, township or other road authority under this Act, vouchers covering all expenditures, in respect of which such subsidy is applied for, shall be furnished to the Minister in a form satisfactory to him.

Commence-
ment

28. This Act comes into force on the day it receives Royal Assent.

Short title

29. This Act may be cited as *The Highway Improvement Amendment Act, 1956*.

No. 73

BILL

An Act to amend
The Highway Improvement Act

1st Reading

February 7th, 1956

2nd Reading

3rd Reading

MR. ALAN (Haldimand-Norfolk)

No. 73

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Highway Improvement Act

MR. ALLAN (Haldimand-Norfolk)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 73

1956

BILL

An Act to amend The Highway Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 17 of *The Highway Improvement Act* is amended by striking out "January" in the fourth line and inserting in lieu thereof "March", so that the subsection shall read as follows: R.S.O. 1950, c. 166, s. 17, subs. 1, amended

- (1) The corporation of the county shall submit a by-law covering the estimated expenditure on roads for the calendar year to the Department for the Minister's approval, not later than the 31st day of March of the year in which the expenditure is to be made and such by-law shall include expenditures to be made by the suburban roads commission in the county. Submission of by-law covering estimated expenditure

2. Subsection 1 of section 23 of *The Highway Improvement Act* is amended by inserting after "the" where it occurs the second time in the fourth line "constructing", so that the subsection shall read as follows: R.S.O. 1950, c. 166, s. 23, subs. 1, amended

- (1) Where under *The Municipal Act* the council of a county has jurisdiction over any bridge which is over 20 feet in span and is not included in the county road system, the expenditure involved in the constructing, replacing, maintaining or improving of such bridge under the supervision of the county road superintendent in accordance with plans approved by the Department shall be deemed to form part of the expenditure in carrying out the plan of highway improvement within the county, and debentures issued by the corporation of any county, since the 8th day of April, 1926, for the purpose of constructing, replacing or improving any such bridge shall be legal, valid and binding upon the corporation of the County expenditure may include county bridges R.S.O. 1950, c. 243

county and the ratepayers thereof notwithstanding that the by-law authorizing the issue thereof has not been submitted to and did not receive the assent of the ratepayers in accordance with *The Municipal Act*.

R.S.O. 1950,
c. 166, s. 32,
amended

3. Section 32 of *The Highway Improvement Act* is amended by striking out "required by section 17 of *The Public Works Act* to be deposited in the registry office" in the first, second and third lines and by inserting after "description" in the fifth line "in the proper registry or land titles office", so that the section shall read as follows:

Plan and
description,
filing of

32. The plan and description of the lands taken shall be signed by the warden and clerk of the county and by an Ontario land surveyor, and upon the deposit of the plan and description in the proper registry or land titles office, the land shall become and be vested in the corporation of the county.

R.S.O. 1950,
c. 166, s. 33,
re-enacted

4. Section 33 of *The Highway Improvement Act*, as amended by section 8 of *The Highway Improvement Amendment Act, 1952*, is repealed and the following substituted therefor:

Roads in
Indian
reserves and
other lands
under the
control of the
Government
of Canada.

33. The Minister may arrange with the Government of Canada for the construction, improvement, maintenance and repair, under the supervision of the county road superintendent and in accordance with the requirements of the Minister, of any road in a township or portion of a township constituting an Indian reserve or of any road under the control of the Government of Canada which lies within the limits of a municipality not separated from the county for municipal purposes where the road forms an extension of or connecting link in a county road system, and the Minister may direct payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount equal to the percentage of the net expenditure made by the county under such arrangement as is provided for in section 18.

R.S.O. 1950,
c. 166, s. 35,
amended

5. Section 35 of *The Highway Improvement Act* is amended by adding thereto the following subsection:

Additional
compensa-
tion to
county road
superintend-
ent having
supervision
of sub-
urban roads

(3) Where the county engineer or road superintendent has supervision over work on suburban roads, the commission may by resolution, subject to the approval of the Minister, authorize the payment to the county engineer or road superintendent of such annual sum in addition to his salary as county engineer or road superintendent as may be deemed proper.

6. Subsection 2 of section 44 of *The Highway Improvement Act* is amended by striking out "28th day of February" in the fourth and fifth lines and inserting in lieu thereof "31st day of March", so that the subsection shall read as follows:

R.S.O. 1950,
c. 166, s. 44,
subs. 2,
amended

- (2) The council of the township shall submit a by-law covering the estimated expenditure on all road construction, improvement or repair for the calendar year to the Department for the approval of the Minister not later than the 31st day of March of the year in which such expenditure is to be made, and no subsidy shall be granted to any township in respect of work which has not been provided for by a by-law approved by the Minister.

Submission
of by-law
covering
estimated
expenditure

7. Subsection 3 of section 45 of *The Highway Improvement Act* is amended by striking out "Indian Affairs Branch of the Department of Mines and Resources (Canada)" in the first and second lines and inserting in lieu thereof "Government of Canada", so that the subsection shall read as follows:

R.S.O. 1950,
c. 166, s. 45,
subs. 3,
amended

- (3) The Minister may arrange with the Government of Canada that the Indian agent for an Indian reserve may act as road superintendent to supervise the construction, improvement and maintenance in accordance with the requirements of the Minister, of the roads in any township or portion of a township constituting the Indian reserve and where such arrangement has been made, the Indian Affairs Branch may make application in accordance with section 46 for the provincial subsidy authorized by this Part, and this Part shall apply *mutatis mutandis*.

Roads in
Indian
reserves

8. Section 57 of *The Highway Improvement Act* is amended by striking out "28th day of February" in the third line and inserting in lieu thereof "31st day of March", so that the section shall read as follows:

R.S.O. 1950,
c. 166, s. 57,
amended

57. The by-law shall provide for the estimated expenditure to be made in the calendar year and shall be submitted not later than the 31st day of March of that year, and no subsidy shall be granted to any city, town or village in respect of expenditure which has not been provided for by by-law approved by the Minister.

By-law to
provide for
estimated
expenditure

9. *The Highway Improvement Act* is amended by adding thereto the following section:

R.S.O. 1950,
c. 166,
amended

PART VII-A

SECONDARY ROADS

Secondary
roads

63a. The Lieutenant-Governor in Council may designate any road or portion of a road in Ontario, other than the King's Highway, as a secondary road, and thereupon the road or portion so designated shall be known as a secondary road and all the provisions of this Act and the regulations made under this Act relating to the King's Highway shall apply *mutatis mutandis* to such secondary road.

R.S.O. 1950,
c. 166, s. 66,
subs. 1,
amended

10.—(1) Subsection 1 of section 66 of *The Highway Improvement Act* is amended by inserting after "registry" in the fifth line "or land titles", by inserting after "by" where it occurs the third time in the sixth line "the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by" and by striking out "Department" in the ninth and tenth lines and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

Procedure
for acquiring
a highway

(1) Subject to the provisions of section 72, when the Minister desires to lay out a portion of the King's Highway or to acquire any existing highway under this Act, either temporarily or permanently, he shall deposit in the proper registry or land titles office a plan and description of the highway, signed by himself, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor, and such highway shall thereafter become and be vested in the Crown as from such date as the Minister may determine, by notice in *The Ontario Gazette*, and the Minister shall give notice in writing thereof to each of the municipalities interested.

R.S.O. 1950,
c. 166, s. 66,
subs. 3,
amended

(2) Subsection 3 of the said section 66 is amended by striking out "a registry" in the second line and inserting in lieu thereof "the proper registry or land titles" and by striking out "may at any time" in the seventh line and inserting in lieu thereof "shall", so that the subsection shall read as follows:

Preliminary
route plan

(3) When for the purposes of this section it is deemed advisable to deposit in the proper registry or land titles office a preliminary route plan of any highway or lands acquired or to be acquired therefor by the Minister, such preliminary route plan shall be of full effect as provided by subsection 1, and shall confer

upon the Minister authority to acquire and take possession of the road or lands, but such plan shall thereafter be replaced by a completed plan and description of the road or lands so acquired.

11. Subsection 2 of section 71 of *The Highway Improvement Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 166, s. 71, subs. 2, re-enacted

- (2) The Lieutenant-Governor in Council may direct that any highway or portion of a highway that is under the control of the Department may be closed and may be sold, leased or disposed of by the Minister. Closing and disposition of highway
- (3) The Lieutenant-Governor in Council may direct that any highway or portion of a highway that is under the control of the Department shall revert to the municipality previously liable for its maintenance and repair or be transferred to the municipality within which it is situate, and the municipality to which it so reverts or is so transferred shall be deemed to be in possession and control of it on and after the day named by the Lieutenant-Governor in Council. Reversion or transfer of highway to municipality

12.—(1) Subsection 2 of section 72 of *The Highway Improvement Act* is amended by striking out "registry" in the fourth line and inserting in lieu thereof "proper registry or land titles", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1950, c. 166, s. 72, subs. 2, amended

- (2) Where land has been entered upon, taken or used by the Minister under the compulsory powers conferred by this Act the Minister shall, within sixty days after the registration of the plan and description of the land in the proper registry or land titles office, give notice to the owner, Notice as to land entered upon, taken or used

.

(2) Subsection 3 of the said section 72 is amended by inserting after "Deputy Minister" in the sixth line "or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor" and by inserting after "registry" in the seventh line "or land titles", so that the subsection shall read as follows: R.S.O. 1950, c. 166, s. 72, subs. 3, amended

- (3) When land is to be or has been purchased or acquired by the Minister under any of the powers conferred by this Act, along or adjacent to or in the vicinity of the King's Highway, the land so acquired may be Filling land plan on taking land

shown on a plan of the highway marked "Land Plan", signed by the Minister, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor and deposited in the proper registry or land titles office, and the plan shall be of full effect in establishing the ownership of the land by Ontario under this Act or *The Public Works Act*.

R.S.O. 1950,
c. 323

R.S.O. 1950,
c. 166, s. 72,
subs. 4,
amended (3) Subsection 4 of the said section 72 is amended by inserting after "registry" in the first line "or land titles", so that the subsection shall read as follows:

Amendment
of land plan

(4) A land plan deposited in any registry or land titles office as in subsection 3 provided may be amended from time to time upon the authority of the Minister or Deputy Minister, or another or similar plan may be substituted therefor upon like authority, for the purpose of showing land or additional land purchased or acquired, or for the purpose of indicating thereon land sold or disposed of by the Minister.

R.S.O. 1950,
c. 166,
ss. 74-77,
repealed

13. Sections 74, 75, 76 and 77 of *The Highway Improvement Act* are repealed.

R.S.O. 1950,
c. 166, s. 78,
subss. 1, 2,
repealed

14.—(1) Subsections 1 and 2 of section 78 of *The Highway Improvement Act* are repealed.

R.S.O. 1950,
c. 166, s. 78,
subs. 3,
amended

(2) Subsection 3 of the said section 78 is amended by striking out "Department" where it occurs in the fifth and tenth lines respectively and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

Continuing
King's
Highway
through
city, town
or village

(3) Where it is deemed by the Minister desirable and expedient that a highway or portion thereof within a city, town or village, including any necessary bridges, should be constructed as a connecting link between portions of the King's Highway, the Minister may designate the highway or portion thereof within the city, town or village to be constructed by the city, town or village, and the council of the corporation of the city, town or village may pass by-laws for issuing, and may issue debentures under *The Municipal Act*, to be payable in such period as the Minister may approve but not exceeding twenty years from the time or times when such debentures are issued, for an amount sufficient to pay the cost of the construction of the highway and bridges within the city, town or village, but it shall not be necessary for the council to obtain the assent of the

R.S.O. 1950,
c. 243

electors to any by-law for the issue of debentures under this subsection or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

(3) Clauses *a*, *b* and *c* of subsection 6 of the said section 78, as re-enacted by subsection 2 of section 4 of *The Highway Improvement Amendment Act, 1955*, are repealed and the following substituted therefor:

R.S.O. 1950,
c. 166, s. 78,
subs. 6
(1955, c. 28,
s. 4, subs. 2),
cls. *a*, *b*, *c*,
re-enacted

- (a) in the case of a town not being a separated town or of a village having a population of not more than 2,500, a sum equal to the cost of constructing a width of roadway not less than 22 feet and not more than 33 feet and of maintaining an existing roadway up to a width not exceeding 33 feet;
- (b) in the case of a town not being a separated town or of a village having a population of more than 2,500, a sum equal to 50 per cent of the cost of constructing a width of roadway not less than 22 feet and not more than 33 feet and of maintaining an existing roadway up to a width not exceeding 33 feet; and
- (c) in the case of a city or separated town, a sum equal to 50 per cent of the cost of constructing a width of roadway not less than 22 feet and not more than 33 feet.

(4) The said section 78 is amended by adding thereto the following subsection:

R.S.O. 1950,
c. 166, s. 78,
amended

- (6a) Notwithstanding clause *b* of subsection 6, in the case of a town not being a separated town or of a village having a population of more than 2,500 where the work consists of the construction, improvement or maintenance and repair of a bridge or culvert, the agreement may provide that the proportion of the cost of the work which shall be paid out of the moneys appropriated therefor by the Legislature shall not exceed a sum equal to 80 per cent of the expenditure on such bridge or culvert which is properly chargeable to road improvement.

Proportion
of cost
payable by
Province

15.—(1) Subsection 2 of section 79 of *The Highway Improvement Act* is amended by inserting after "the" where it occurs the third time in the sixth line "Crown under the control of the", so that the subsection shall read as follows:

R.S.O. 1950,
c. 166, s. 79,
subs. 2,
amended

- (2) Every person who uses any highway so closed to traffic or who removes or defaces any notice or obstruction placed thereon by lawful authority shall be

Penalty for
removing
notice or
barrier

guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$50 and shall also be liable for any damages or injury done to the highway or to the property of the Crown under the control of the Department occasioned by such trespass.

R.S.O. 1950,
c. 166, s. 79,
subs. 3,
amended

(2) Subsection 3 of the said section 79 is amended by inserting after "or" in the fifth line "the Minister", so that the subsection shall read as follows:

Alternative
routes
during work
on roads

- (3) While the construction, repair or improvement of the King's Highway or any work authorized by this Act is in progress on the King's Highway, the Department may provide and keep in repair any reasonable alternative route for traffic, including a municipal highway, or the Minister may enter into an agreement with the council of any municipality, or may make a grant to any municipality for that purpose, and any expenditure or grant under this section shall be apportioned as a part of the cost of the work in progress on the King's Highway by reason of which the alternative route is necessary.

R.S.O. 1950,
c. 166, s. 80,
subs. 1,
amended

16.—(1) Subsection 1 of section 80 of *The Highway Improvement Act* is amended by striking out "Department" in the first line and inserting in lieu thereof "Minister" and by striking out "roadway" in the second line and inserting in lieu thereof "King's Highway", so that the subsection shall read as follows:

Minister
may exercise
powers of
municipal
corporation

- (1) The Minister shall have, within the limits of any municipal corporation along the course of the King's Highway, all the powers which may be exercised by a municipal corporation authorized to lay out, maintain and construct a highway.

R.S.O. 1950,
c. 166, s. 80,
subs. 2,
amended

(2) Subsection 2 of the said section 80 is amended by striking out "Department" in the first line and inserting in lieu thereof "Minister" and by striking out "Department" in the sixth line and inserting in lieu thereof "Crown", so that the subsection shall read as follows:

Previous
rights and
agreements

- (2) The Minister shall have in respect to the King's Highway, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the local or county municipality or municipalities which had jurisdiction over the road before the road was assumed by the Province, and the Crown may sue upon such rights or under such agreement or by-laws in the same manner and to

the same extent as the local municipality or municipalities might have done if the road had not been adopted as the King's Highway.

(3) Subsection 3 of the said section 80 is amended by striking out "Department" in the third and fifth lines respectively and inserting in lieu thereof "Minister", so that the subsection shall read as follows: R.S.O. 1950, c. 166, s. 80, subs. 3, amended

(3) Where a by-law, contract or agreement covers several roads in a municipality, including the road adopted as the King's Highway, the Minister shall be entitled to a copy of the by-law, contract or agreement from the municipality or municipalities and the Minister shall have the right to inquire into and ascertain facts concerning all such by-laws, contracts or agreements, the amounts of rents or other payments provided for in the same, the terms and conditions under which such agreements were made and any other particulars in connection with the same. Right of Minister to copies of by-laws, etc.

17. Subsection 3 of section 82 of *The Highway Improvement Act* is amended by striking out "Department" in the first line and inserting in lieu thereof "Minister", so that the subsection shall read as follows: R.S.O. 1950, c. 166, s. 82, subs. 3, amended

(3) If the company and the Minister are unable to agree on their respective shares of the cost of constructing the pavement or roadway between the rails the matter in dispute shall be determined by the Ontario Municipal Board, and the decision of the Board shall be final and conclusive and shall not be subject to any appeal. Application to Board in case of disagreement

18.—(1) Subsection 3 of section 83 of *The Highway Improvement Act* is amended by striking out "regulations of the Department and under its direction" in the fifth line and inserting in lieu thereof "conditions of a permit therefor granted under section 93", so that the subsection shall read as follows: R.S.O. 1950, c. 166, s. 83, sub. 3, amended

(3) The Department may pay a bonus not exceeding 75 cents for each elm, maple or other approved nut or ornamental tree planted by any owner of land fronting on the King's Highway and planted in accordance with the conditions of a permit therefor granted under section 93. Bonus for planting trees

(2) Subsection 4 of the said section 83, as amended by section 19 of *The Highway Improvement Amendment Act, 1952*, R.S.O. 1950, c. 166, s. 83, sub. 4, amended

is further amended by striking out "resident" in the second line and inserting in lieu thereof "district", so that the subsection shall read as follows:

Bonus

- (4) The bonus shall be chargeable to the moneys appropriated therefor by the Legislature and payable upon a certificate of the district engineer of the Department giving the name of the person entitled to the bonus, the number of trees of each species planted and the amount of the bonus to which the person is entitled and certifying that the trees have been planted for a period of three years and that they are alive, healthy and of good form.

R.S.O. 1950,
c. 166, s. 86,
subs. 3,
amended

19. Subsection 3 of section 86 of *The Highway Improvement Act* is amended by inserting after "owner" in the first line "or having the care, custody or control", so that the subsection shall read as follows:

Horses,
cattle, etc.,
on highway

- (3) Every person who, being the owner or having the care, custody or control of horses, cattle, swine or sheep, suffers or permits the same or any of them to run at large within the limits of the King's Highway shall be guilty of an offence and on summary conviction shall be liable to a penalty, for every horse found at large upon the highway, of not more than \$5; for every head of cattle found at large upon the highway, of not more than \$3; and for every hog, sheep or goat found at large upon the highway, of not more than \$1; provided that this subsection shall not create any civil liability on the part of the owner of horses, cattle, swine or sheep for damages caused to the property of others as a result of the horses, cattle, swine or sheep running at large within the limits of the King's Highway.

R.S.O. 1950,
c. 166, s. 87,
subs. 1,
amended

20.—(1) Subsection 1 of section 87 of *The Highway Improvement Act* is amended by striking out "except as to the contribution towards such maintenance and repair provided for in this Act" in the second, third and fourth lines, so that the subsection shall read as follows:

Department
to maintain
and repair

- (1) Every portion of the King's Highway shall be maintained and kept in repair by the Department, and the corporation of any municipality in which the highway is situate shall be relieved from any liability therefor, but this shall not apply to any sidewalk or municipal undertaking or work constructed or in course of construction by the corporation of any municipality, or which a municipal corporation may lawfully do or construct upon the

highway, and the municipal corporation shall be liable for want of repair of the sidewalk, municipal undertaking or work, whether the same be the result of nonfeasance or misfeasance, in the same manner and to the same extent as in the case of any other like work constructed by the municipal corporation.

(2) Subsection 2 of the said section 87 is amended by ^{R.S.O. 1950, c. 166, s. 87, subs. 2, amended} striking out "Department" in the second line and inserting in lieu thereof "Crown" and by striking out "Department" in the sixth line and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

- (2) In case of default by the Department to keep any ^{Liability for damages in case of default} portion of the King's Highway in repair, the Crown shall be liable for all damages sustained by any person by reason of the default, and the amount recoverable by any person by reason of the default may be agreed upon with the Minister before or after the commencement of any action for the recovery of the damages.

(3) Subsection 3 of the said section 87 is amended by ^{R.S.O. 1950, c. 166, s. 87, subs. 3, amended} striking out "Department" in the first line and inserting in lieu thereof "Crown", so that the subsection shall read as follows:

- (3) No action shall be brought against the Crown for ^{Insufficiency of fence, etc.} the recovery of damages caused by the presence or absence or insufficiency of any wall, fence, guard rail, railing or barrier or caused by or on account of any construction, obstruction or erection or any situation, arrangement or disposition of any earth, rock, tree or other material or thing adjacent to or in, along or upon the highway lands or any part thereof not within the travelled portion of the highway.

(4) Subsection 5 of the said section 87 is amended by ^{R.S.O. 1950, c. 166, s. 87, sub. 5, amended} striking out "Department" in the fourth line and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

- (5) No action shall be brought for the recovery of the ^{Notice of claim} damages mentioned in subsection 2, unless notice in writing of the claim and of the injury complained of has been served upon or sent by registered post to the Minister within ten days after the happening of the injury.

R.S.O. 1950,
c. 166, s. 87,
subs. 6,
amended

(5) Subsection 6 of the said section 87 is amended by striking out "Department" in the fifth line and inserting in lieu thereof "Crown", so that the subsection shall read as follows:

When
failure to
give notice
not to bar
action

(6) The failure to give or the insufficiency of the notice shall not be a bar to the action, if the court or judge before whom the action is tried is of the opinion that there is reasonable excuse for the want or insufficiency of the notice and that the Crown was not thereby prejudiced in its defence.

R.S.O. 1950,
c. 166, s. 87,
subs. 8,
amended

(6) Subsection 8 of the said section 87 is amended by striking out "Department" in the first and second lines and inserting in lieu thereof "Crown", so that the subsection shall read as follows:

Style of
action

(8) In any action under this section against the Crown, the defendant may be described as "His Majesty the King in right of the Province of Ontario, represented by the Minister of Highways for the Province of Ontario", and it shall not be necessary to proceed by petition of right or to procure the fiat of the Lieutenant-Governor or the consent of the Attorney-General before commencing the action but every such action may be instituted and carried on and judgment may be given thereon in the same manner as in an action brought by a subject of His Majesty against another subject.

R.S.O. 1950,
c. 166, s. 87,
subs. 9,
amended

(7) Subsection 9 of the said section 87 is amended by striking out "Department" in the first line and inserting in lieu thereof "Crown", so that the subsection shall read as follows:

Action to be
tried with-
out jury

(9) Actions against the Crown for the recovery of the damages mentioned in subsection 2 shall be tried by a judge without the intervention of a jury, and the trial shall take place in the county in which the default occurred.

R.S.O. 1950,
c. 166, s. 90,
subs. 1,
amended

21. Subsection 1 of section 90 of *The Highway Improvement Act* is amended by striking out "Department" in the twelfth line and inserting in lieu thereof "Deputy Minister or the officer of the Department specially designated by the Deputy Minister", so that the subsection shall read as follows:

Drainage of
the King's
Highway

(1) The Deputy Minister or any officer of the Department specially designated for that purpose by the Deputy Minister may initiate and carry out pro-

ceedings under *The Ditches and Watercourses Act* for the purpose of procuring proper drainage for the King's Highway, and shall have authority to file notices and declarations as owner with the clerk of the local municipality or municipalities, or may receive notices where a private person is the initiating party, in accordance with the procedure prescribed in that Act but no drainage works shall be constructed upon the King's Highway under any Act without the consent of the Deputy Minister or the officer of the Department specially designated by the Deputy Minister.

22. Subsection 2 of section 91 of *The Highway Improvement Act* is amended by striking out "Department" in the third line and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

- (2) No such action or other proceeding shall lie in respect of any such claim unless notice in writing of the claim and of the injury complained of has been filed with the Minister within six months after the injury complained of, or in the case of a continuing injury, within one year from the time when the injury began or became known to the complainant.

23.—(1) Subsection 3 of section 92 of *The Highway Improvement Act* is amended by striking out "Department" in the first line and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

- (3) Subject to the approval of the Board, the Minister may close any county, township or other road which intersects or runs into a controlled-access highway.

(2) Subsection 4 of the said section 92 is amended by striking out "Department" in the seventh line and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

- (4) The Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such times, in such manner and to such persons as the Board may determine, and may further direct that particulars of claims in respect of land injuriously affected by the closing of the road shall be filed with the Board and the Minister within such time as the Board shall direct.

(3) Subsection 8 of the said section 92 is amended by striking out "Department" in the second and third lines and

inserting in lieu thereof "Minister" and by striking out "its" in the third line and inserting in lieu thereof "the", so that the subsection shall read as follows:

Idem

- (8) Where, at any time after making application for the approval of the Board of the closing of a road, the Minister discontinues the application or, having obtained such approval, does not proceed with the closing of the road and does not pay the compensation provided for in the order of the Board, the Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Department as it deems proper and may fix the amount of such costs.

R.S.O. 1950,
c. 166, s. 92,
subs. 9,
amended

- (4) Subsection 9 of the said section 92 is amended by striking out "Department" in the fourth line and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

Appeal

- (9) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Board approving the closing of such road, and the Minister may, upon like leave, appeal from any order of the Board made on an application under this section.

R.S.O. 1950,
c. 166, s. 93,
subs. 1,
cl. d,
amended

24.—(1) Clause *d* of subsection 1 of section 23 of *The Highway Improvement Act* is amended by inserting after "erect" in the first line "maintain" and by striking out "or" where it occurs the second time in the first line and inserting in lieu thereof "glass or other tubing whether illuminated or not, or any other form of", so that the clause shall read as follows:

- (*d*) place, erect, maintain or alter any sign, notice, glass or other tubing whether illuminated or not, or any other form of advertising device, or any part thereof, other than a sign not more than two feet by one foot displaying the name of the owner or occupant of the premises to which it is affixed or the name of such premises, upon or within one-quarter mile of any limit of a controlled-access highway.

R.S.O. 1950,
c. 166, s. 93,
subs. 10,
amended

- (2) Subsection 10 of the said section 93, as amended by subsection 2 of section 5 of *The Highway Improvement Amendment Act, 1951*, is further amended by striking out "develop-

ment" in the amendment of 1951 and inserting in lieu thereof "secondary", so that the subsection shall read as follows:

- (10) This section, except clauses *b*, *c* and *f* of subsection 1, shall apply *mutatis mutandis* to the other portions of the King's Highway and to secondary roads. Buildings, gas pumps, signs, etc.

25. Subsection 6 of section 98 of *The Highway Improvement Act* is amended by striking out "Department" in the first line and inserting in lieu thereof "Minister", so that the subsection shall read as follows: R.S.O. 1950, c. 166, s. 98, subs. 6, amended

- (6) Where the district engineer reports to the Minister that a highway to which this Act applies in any municipality is out of repair, the Minister may, after at least two months notice in writing to the corporation of the municipality, direct the Department to undertake the work of putting the highway in repair, and the cost of the work shall be chargeable to and shall be a debt due from the corporation of the municipality to the Crown and the Minister may direct that the cost shall be deducted from any sums of money payable to the municipality under this Act. Repair and maintenance of highway by Department on corporation's default

26. Subsection 4 of section 100 of *The Highway Improvement Act*, as amended by section 20 of *The Highway Improvement Amendment Act, 1952*, is further amended by striking out "Department" in the first and third lines respectively and inserting in lieu thereof "Minister" and by striking out "its" in the fifth line and inserting in lieu thereof "his", so that the subsection shall read as follows: R.S.O. 1950, c. 166, s. 100, subs. 4, amended

- (4) The council of a township may apply to the Minister for authority to construct a sidewalk or footpath on the King's Highway or a county road and the Minister may grant the authority, and upon completion of the work may approve thereof at his discretion, and upon the approval being given the council may make application in the form prescribed by the Minister for, and the Minister may authorize the payment to the township out of the moneys appropriated therefor by the Legislature of an amount not exceeding 50 per cent of the cost of the work. Construction of sidewalk or footpath

27. Section 105 of *The Highway Improvement Act* is amended by striking out "Department" in the fourth line and inserting in lieu thereof "Minister" and by striking out "the Minister" in the fifth line and inserting in lieu thereof "him", so that the section shall read as follows: R.S.O. 1950, c. 166, s. 105, amended

Vouchers

105. Where a subsidy is applied for by the council of any county, township or other road authority under this Act, vouchers covering all expenditures, in respect of which such subsidy is applied for, shall be furnished to the Minister in a form satisfactory to him.

Commence-
ment

28. This Act comes into force on the day it receives Royal Assent.

Short title

29. This Act may be cited as *The Highway Improvement Amendment Act, 1956*.

No. 73

BILL

An Act to amend
The Highway Improvement Act

1st Reading

February 7th, 1956

2nd Reading

February 17th, 1956

3rd Reading

March 14th, 1956

Mr. ALLAN (Haldimand-Norfolk)

No. 74

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Mothers' Allowances Act, 1952

MR. CECILE

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1—Subsection 1. Self-explanatory.

Subsection 2. This clause is new and will provide under certain circumstances for payment of an allowance to the mother of a child born out of wedlock.

Subsection 3. This subsection is new and will provide for payment of an allowance to a permanently unemployable father where the mother is dead or absent from the home for at least six months. This will eliminate the necessity of a foster mother being in the home before an allowance may be paid in these circumstances.

No. 74

1956

BILL

An Act to amend The Mothers' Allowances Act, 1952

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

3.—(1) Clause *b* of subsection 1 of section 2 of *The Mothers' Allowances Act, 1952*, as re-enacted by section 1 of *The Mothers' Allowances Amendment Act, 1955*, is amended ^{1952, c. 62, s. 2 (1955, c. 47, s. 1), subs. 1, cl. *b*, amended} by striking out "one year" in the third line and inserting in lieu thereof "six months", so that the clause shall read as follows:

(*b*) whose husband has deserted her or the child or children and he has not been heard of for at least six months; or

.

(2) Subsection 1 of the said section 2 is amended by adding thereto the following clause:

^{1952, c. 62, s. 2 (1955, c. 47, s. 1), subs. 1, amended}

(*cc*) whose child or children were born out of wedlock and who has cared for and maintained each child on behalf of whom application for an allowance is made, for a period of two years following the birth of the child; or

.

(3) The said section 2 is amended by adding thereto the following subsection:

^{1952, c. 62, s. 2 (1955, c. 47, s. 1), amended}

(5*a*) Where a father who is permanently unemployable satisfies the residence requirements for a mother under subsection 1 and the mother is dead or is absent from the home for a period of at least six months, an allowance as provided in subsection 1 may be paid to the father towards the support of his child or children under eighteen years of age ^{Allowance to permanently unemployable father}

residing with him in circumstances under which the child or children would not be cared for properly without the assistance of an allowance.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Mothers' Allowances Amendment Act, 1956*.

No. 74

BILL

An Act to amend
The Mothers' Allowances Act, 1952

1st Reading

February 7th, 1956

2nd Reading

3rd Reading

MR. CECILE

No. 74

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Mothers' Allowances Act, 1952

MR. CECILE

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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No. 74

1956

BILL

An Act to amend The Mothers' Allowances Act, 1952

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of subsection 1 of section 2 of *The Mothers' Allowances Act, 1952*, as re-enacted by section 1 of *The Mothers' Allowances Amendment Act, 1955*, is amended ^{1952, c. 62, s. 2 (1955, c. 47, s. 1), subs. 1, cl. *b*, amended} by striking out "one year" in the third line and inserting in lieu thereof "six months", so that the clause shall read as follows:

(*b*) whose husband has deserted her or the child or children and he has not been heard of for at least six months; or

.

(2) Subsection 1 of the said section 2 is amended by adding thereto the following clause:

^{1952, c. 62, s. 2 (1955, c. 47, s. 1), subs. 1, amended}

(*cc*) whose child or children were born out of wedlock and who has cared for and maintained each child, on behalf of whom application for an allowance is made, for a period of two years following the birth of the child; or

.

(3) The said section 2 is amended by adding thereto the following subsection:

^{1952, c. 62, s. 2 (1955, c. 47, s. 1), amended}

(5*a*) Where a father who is permanently unemployable satisfies the residence requirements for a mother under subsection 1 and the mother is dead or is absent from the home for a period of at least six months, an allowance as provided in subsection 1 may be paid to the father towards the support of his child or children under eighteen years of age ^{Allowance to permanently unemployable father}

residing with him in circumstances under which the child or children would not be cared for properly without the assistance of an allowance.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Mothers' Allowances Amendment Act, 1956*.

No. 74

BILL

An Act to amend
The Mothers' Allowances Act, 1952

1st Reading

February 7th, 1956

2nd Reading

March 23rd, 1956

3rd Reading

March 27th, 1956

MR. CECILE

No. 75

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Public Service Act

MR. DUNBAR

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This bill will enable employees on the casual staff who are appointed to the permanent staff to contribute to the Public Service Superannuation Fund in respect of their period of casual employment and thus obtain a service credit in the Fund in respect of that period.

No. 75

1956

BILL

An Act to amend The Public Service Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7 of section 13 of *The Public Service Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 317, s. 13,
subs. 7,
re-enacted

(7) Subsection 5 applies to every person who was employed casually and continuously up to the time of his appointment as an employee, if he gives notice in writing to the Board within three months of his appointment as an employee or before the 1st day of December, 1956, whichever is later, of his intention to pay the amount prescribed in clause c of subsection 5.

Idem

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Public Service Amendment Act, 1956*.

Short title

No. 75

BILL

An Act to amend
The Public Service Act

1st Reading

February 7th, 1956

2nd Reading

3rd Reading

MR. DUNBAR

1956

No. 75

2ND SESSION, 25TH LEGISLATURE, ONTARIO
4-5 ELIZABETH II, 1956

BILL

An Act to amend The Public Service Act

MR. DUNBAR

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 75

1956

BILL

An Act to amend The Public Service Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7 of section 13 of *The Public Service Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 317, s. 13,
subs. 7,
re-enacted

(7) Subsection 5 applies to every person who was ^{Idem} employed casually and continuously up to the time of his appointment as an employee, if he gives notice in writing to the Board within three months of his appointment as an employee or before the 1st day of December, 1956, whichever is later, of his intention to pay the amount prescribed in clause c of subsection 5.

2. This Act comes into force on the day it receives Royal Assent. ^{Commence-}
^{ment}

3. This Act may be cited as *The Public Service Amendment Act, 1956*. ^{Short title}

No. 75

BILL

An Act to amend
The Public Service Act

1st Reading

February 7th, 1956

2nd Reading

February 8th, 1956

3rd Reading

February 28th, 1956

MR. DUNBAR

